



APPENDIX

IN THE SUPREME COURT OF THE UNITED STATES
October Term, 1977
No. 77-560

JO ANN EVANS GARDNER,

Petitioner

v.

WESTINGHOUSE BROADCASTING COMPANY,

Respondent

On Writ of Certiorari to the United
States Court of Appeals for the
Third Circuit

Petition for Certiorari Filed
October 14, 1977

Certiorari Granted December 5, 1977

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RELEVANT DOCKET ENTRIES

May 20, 1975	Complaint filed; Summons issued
June 3, 1975	Summons returned; served on defendant May 22, 1975
June 11, 1975	Answer filed
July 9, 1975	Motion to Determine a Class Action filed by plaintiff
July 9, 1975	Interrogatories to Defendant Westing- house Broadcasting Company in Order to Determine a Class Action filed by plaintiff
July 22, 1975	Notice of serving interrogatories upon plaintiff filed by defendant

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Relevant Docket Entries

August 27, 1975	Answers to Interrogatories to Defendant Westinghouse Broadcasting Company in Order to Determine a Class Action filed by defendant
September 17, 1975	Answers to defendant's Interrogatories to Plaintiff filed by plaintiff
October 30, 1975	Motion to Compel Discovery filed by plaintiff, with proposed order thereto
October 30, 1975	Oral argument held before the Honorable Barron P. McCune, District Judge

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Relevant Docket Entries

February 4, 1976	Memorandum and Order of the United States District Court for the Western District of Pennsylvania filed denying Motion to Determine a Class Action and Motion to Compel Discovery
February 25, 1976	Notice of Appeal filed by plaintiff; cash bond posted by plaintiff
August 26, 1976	Motion to Dismiss Appeal for Lack of Jurisdiction filed by appellee
September 20, 1976	Response to Appellee's Motion to Dismiss Appeal for Lack of Jurisdiction filed by appellant

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Relevant Docket Entries

October 8, 1976	Order entered by United States Court of Appeals for the Third Circuit, / denying appellee's Motion to Dismiss Appeal
February 28, 1977	Order entered by United States Court of Appeals for the Third Circuit revok- ing Order dated October 8, 1976 and referring appellee's Motion to Dismiss Appeal to the Merits panel
June 6, 1977	Opinion and Judgment entered by the United States Court of Appeals for the Third Circuit, granting appellee's Motion to Dismiss Appeal for Lack of Jurisdiction

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Relevant Docket Entries

June 20, 1977	Petition for Rehear- ing filed by appellant
July 22, 1977	Order filed by the United States Court of Appeals for the Third Circuit denying appellant's Petition for Rehearing and Opinion Sur Denial of Petition for Rehearing filed

6a
Complaint

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JO-ANN EVANS GARDNER)
)
 Plaintiff,)
) Civil Action
) No. 75-614
)
v.) No. 75-614
)
WESTINGHOUSE BROADCASTING))
COMPANY,) Complaint -
) Class Action
 Defendant.)

COMPLAINT
COUNT I

Jurisdiction of this Court is
invoked pursuant to 28 USC §1343(4); 42
USC §2000e-5(f), and 28 USC §2201 and
§2202. This is a suit in equity autho-
rized and instituted pursuant to Title
VII of the Act of Congress known as "The
Civil Rights Act of 1964", 42 USC §2000e
et seq. The jurisdiction of this Court
is invoked to secure protection of and
to redress deprivation of rights secured

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Complaint

by 42 USC §2000(e) et seq. providing for
injunctive and other relief against sex
discrimination in employment.

II

This is a proceeding for a declara-
tory judgment as to Plaintiff's rights
and for permanent injunction restraining
Defendant from maintaining a continuing
policy, practice, custom or usage of:
(a) discrimination against Plaintiff and
other female persons in this class
because of sex with respect to hiring
and job classifications, compensation
terms, conditions and privileges of
employment and, (b) limiting and
classifying employees of Defendant in
ways that deprive Plaintiff and other
female persons in this class of equal
status as employees because of their
sex.

III

Plaintiff, JO-ANN EVANS GARDNER,
Ph.D., is a female citizen of the United
States and a resident of Pittsburgh in
the Commonwealth of Pennsylvania, whose

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Complaint

address is 726 St. James Street, Pittsburgh, Pennsylvania 15232. Plaintiff Gardner unsuccessfully sought employment from Defendant as a radio talk-show host.

IV

Defendant, WESTINGHOUSE BROADCASTING COMPANY, is a corporation which operates radio stations licensed by the Federal Communications Commission, with its principal center of operations for Western Pennsylvania located at One Gateway Center, Pittsburgh, Pennsylvania 15222. The Defendant is an employer within the meaning of 42 USC §2000(e) (6) and (c) in that it is engaged in an industry affecting commerce and employes [sic] at least fifteen (15) persons.

V

CLASS ACTION ALLEGATIONS

A. Plaintiff brings this action on her own behalf and on behalf of other persons similarly situated pursuant to Rule 23(b)(1) and (2) of the Federal Rules of Civil Procedure. The class

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Complaint

which Plaintiff represents is defined as follows:

(1) female persons who are now employed, have been employed from July 2, 1965 to the present, or might be employed by the Defendant as professionals, officials and managers in its broadcasting staff or as technicians sales workers or otherwise;

(2) those females who have unsuccessfully applied for employment from the defendant;

(3) those females who have been discharged by Defendant;

(4) those females who would have applied for employment but for the reputation of Defendant in the community that Defendant denied equal opportunity to females; and

(5) those females who will apply and will not be considered for certain jobs because of their sex.

All of these persons have been and will continue to be or might be adversely affected by the practices complained of herein. There are common questions of law and fact affecting the rights of the

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Complaint

members of this class who are, and continue to be limited, classified and discriminated against in ways which deprive and tend to deprive them of equal employment opportunities and otherwise adversely affect their status as employees because of their sex. These persons are so numerous that joinder of all members is impracticable. A common relief is sought. The interests of said class are adequately represented by Plaintiff. Defendant has acted or refused to act on grounds generally applicable to the class.

B. The following practices, policies, customs and usages made unlawful by Title VII of the Civil Rights Act of 1964 have been instituted and/or maintained by the Defendant: (1) the Defendant has maintained a pattern and practice in hiring resulting in Plaintiff and other members of the same class having been denied consideration for jobs, refused opportunities for jobs, denied opportunities, for promotions for jobs, and not provided equal opportunities, (2) Plaintiff and the class she

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Complaint

represents are qualified for employment and promotions on the same basis as such opportunities are provided for male employees, but Plaintiff and the class are denied these opportunities, (3) the Defendant has maintained a posture of denying equal opportunity to women which is well-known in the community thus discouraging women from seeking employment. Defendant has further discriminated against females as set forth in Exhibit "A".

C. The size of the class equals all of the female members of the broadcasting staff, technicians and sales workers employed by Defendant since July 2, 1965, all females who might be employed in the broadcasting staff, technical staff or sales work force of an unknown number, all females not hired by Defendant of an unknown number, this is in certain jobs not considered because of their sex, all females discharged by Defendant of an unknown number, and all females who would have applied for employment but for Defendant's reputation in the community for denying equal

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Complaint

opportunity to females of an unknown number.

D. The Plaintiff adequately represents the class because:

(1) She is a female who has not been considered for a job or hired because of sex discrimination.

(2) All of the members of the class claim the same type of injury, i.e., sex discrimination.

(3) All aspects of the employment practices of the Defendant are permeated with sex discrimination and Plaintiff is suffering from one of those aspects.

VI

On April 19, 1972, within ninety (90) days of the occurrence of the continuing acts of which she complains, Plaintiff filed written charges (EEOC Case No. TPI2-0823) under oath, with the Equal Employment Opportunity Commission alleging denial by Defendant of Plaintiff's rights under Title VII of the Civil Rights Act of 1964, 42 USC §2000(e) et seq. On February 28, 1973, the Commission issued a determination that

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Complaint

there was reasonable cause to believe that the charge was true. The Commission further informed Plaintiff on April 7, 1975 that she was entitled to bring a civil action in the appropriate Federal District Court within ninety (90) days of receipt of said notice.

VII

Plaintiff and the class she represents have no plain, adequate, or complete remedy at law to redress the wrongs alleged herein and this suit for a permanent injunction is her only means of securing adequate relief. Plaintiff and the class she represents are now suffering and will continue to suffer irreparable injury from Defendant's policies, practices, customs and usages as set forth herein.

COUNT II

VIII

Plaintiff incorporates by reference Paragraphs II, III, IV, V and VII of this Complaint as if they were set forth at length herein.

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Complaint

IX

Defendant by its acts detailed herein is in violation of Article I §27 of the Pennsylvania Constitution which guarantees equal rights under the laws to all citizens of the Commonwealth without regard to sex.

WHEREFORE, Plaintiff respectfully prays this Court to advance this case on the docket, order a speedy hearing at the earliest practicable date, cause this case to be in every way expedited and upon such hearing to:

1. Grant Plaintiff and the class she represents a permanent injunction enjoining the Defendant, its agents, employees, attorneys and those acting in concert with them and at their discretion from continuing to abridge the rights of Plaintiff and the class she represents by discrimination.

2. Grant Plaintiff and the class she represents relief requiring Defendant to make whole, by appropriate back pay and otherwise, all such individuals who have been adversely affected by the

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Complaint

practices and the policies complained of.

3. Grant Plaintiff and the class she represents reasonable attorney's fees pursuant to Section 706(k) of Title VII.

BASKIN, BOREMAN, WILNER
SACHS, GONDELMAN & CRAIG

By: s/Robert N. Hackett
Robert N. Hackett
Attorney for Plaintiff

CHARGE OF DISCRIMINATION

(If you have a complaint, fill in this form and mail it to the Equal Employment Opportunity Commission's Regional Office in your area. In most cases, a charge must be filed with the EEOC within a specified time after the discriminatory act took place. IT IS THEREFORE IMPORTANT TO FILE YOUR CHARGE AS SOON AS POSSIBLE.)

(PLEASE PRINT OR TYPE)

1 Your Name (Mr., Mrs., Miss) Dr. Jo-Ann Gardner Phone Number

Street Address 726 St. James Street Zip Code 15232
City Pittsburgh State PA

2 WAS THE DISCRIMINATION BECAUSE OF: (Please check one)
Race or Color ☐ Religious Creed ☐ National Origin ☐ Sex ☒ (Female)

3 Who discriminated against you? Give the name and address of the employer, labor organization, employment agency and/or apprenticeship committee. If more than one, list all.

Name KDKA Radio
Street address One Gateway Center
City Pittsburgh State PA Zip Code 15222
AND (other parties if any)

4 Have you filed this charge with a state or local government agency? Yes ☒ When 1 17 72 No ☐
MONTH DAY YEAR

5 If your charge is against a company or a union, how many employees or members? Under 25 ☐ Over 25 ☒

6 The most recent date on which this discrimination took place: Month Day Year
Continuing

7 Explain what unfair thing was done to you. How were other persons treated differently? (Use extra sheet if necessary.)
I asked for and was given an interview after responding to a column appearing in one of Pittsburgh's local newspapers. Accordingly, it mentioned that the above radio station was looking for a man for an evening radio talk show job and a woman for the job of Consumer and Fashion Reporter. During that interview, I made it clear that I was not interested in the Consumer & Fashion Reporter job & I additionally requested that I be informed as to the identity of the person who was filling the position that I applied for. Subsequently, I was notified Consumer, Fashion, etc., Reporter's position had not been filled which had the effect of suggesting that I was not being considered for the actual job I was seeking. I feel that an illegal preference for a woman in a specific work occupation did and still exists and this also includes illegal preference for males being considered for the job as a talk show host. In view of a possible FCC license review, & since the station is supposed to serve the public interest, I feel that I and other females are being discriminated against on the basis of sex which is in direct violation of Title VII of the Civil Rights Act of 1964. I amended 1972
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

Date (Sign your name)

Subscribed and sworn to before me this day of 196

(Name) (Title)
If it is difficult for you to get a Notary Public to sign this, sign your own name and mail to the Regional Office. The Commission will help you to get the form sworn to.

FORM APP-2 BUR. OF BUDGET—No. 124-R0001

FORM EEOC-3 (REV. 7-59)

EXHIBIT A

BEST COPY AVAILABLE

16a
Complaint
(Exhibit A)

17a
Complaint
(Exhibit A)

18a
Answer

[Title omitted in printing]

ANSWER TO COMPLAINT

FIRST DEFENSE

Plaintiff failed to pursue her State remedies as required by 42 U.S.C. §2000e-5(c). The Court, therefore, does not have jurisdiction of this case.

SECOND DEFENSE

The Complaint fails to state a claim against Defendant upon which relief may be granted.

THIRD DEFENSE

Defendant admits the averments contained in Paragraphs I and II of the Complaint to the extent that these averments show the statutory basis for invoking the jurisdiction of the Court and the nature of the action. Defendant denies that it engaged in any of the illegal acts for which Plaintiff seeks relief. Defendant admits the averments contained in Paragraphs II and IV, but

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Answer

suggests that the proper statutory citation in Paragraph IV should be "42 U.S.C. §2000e(b)". The averments of Paragraph VI of the Complaint are denied as stated. Defendant admits that charges were filed with the Equal Employment Opportunity Commission and that the Commission issued a letter granting Plaintiff the right to bring this action. It is denied, however, that the Commission issued a determination that there was reasonable cause to believe that the charge of unlawful sex discrimination was true as regards the named Plaintiff. Rather, the Commission's determination related only to the class in general, and the Commission found that the named Plaintiff was not the victim of unlawful sex discrimination as an individual, but that her application for employment was denied because she was not qualified for the job.

Defendant denies the averments contained in Paragraphs VB, VII and IX of the Complaint.

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Answer

FOURTH DEFENSE

Defendant denies the class action allegations contained in Paragraph V of of the Complaint, and asserts that this action is improperly brought as a class action and that Plaintiff is not an adequate representative of the class or classes she seeks to represent.

FIFTH DEFENSE

Members of the class who have not pursued administrative remedies are not entitled to damages.

SIXTH DEFENSE

Plaintiff is not qualified to hold the position of employment for which she applied regardless of her sex.

WHEREFORE, Defendant respectfully prays this Honorable Court for judgment against the Plaintiff, for costs of suit

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Answer

and for reasonable attorney's fees under 42 U.S.C. §2000e-5(k).

s/Wendell G. Freeland
Wendell G. Freeland
Attorney for Defendant

CERTIFICATE OF SERVICE
[Certificate of Service
omitted in printing]

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Motion to Determine a Class Action

[Title omitted in printing]

NOTICE

TO: Wendell G. Freeland, Esquire
409 Plaza Building
Pittsburgh, Pa. 15219

Take notice that the within Motion to Determine a Class Action has been filed this date and will be considered at the discretion of the Court.

BASKIN, BOREMAN, WILNER
SACHS, GONDELMAN & CRAIG

By: s/Robert N. Hackett
Robert N. Hackett
Attorney for Plaintiff

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Motion to Determine a Class Action

[Title omitted in printing]

MOTION TO DETERMINE CLASS ACTION

AND NOW COMES plaintiff, Jo Ann Evans Gardner, by her attorney, Robert N. Hackett, pursuant to local Rule 34c of the Rules of Court of the United States District Court for the Western District of Pennsylvania, and moves this court to determine a class action following answers to interrogatories filed by the plaintiff and in support thereof sets forth the following:

1. Local Rule 34c of the Rules of Court of the United States District Court for the Western District of Pennsylvania states that within 90 days after the filing of a complaint in a class action that the plaintiff shall move for determination of a class under Rule 23c 1 of the Federal Rules of Civil Procedure.

2. The plaintiff has filed interrogatories to determine necessary information for the defendant in order to determine whether or not this action should proceed as a class action.

Motion to Determine a Class Action

3. As soon as the defendant has answered the interrogatories with reference to this class action, the plaintiff moves this court to determine and certify this action as a class action under Federal Rule of Civil Procedure 23b 2.

Respectfully submitted

BASKIN, BOREMAN, WILNER
SACHS, GONDELMAN & CRAIG

By: s/Robert N. Hackett
Robert N. Hackett
Attorney for Plaintiff

CERTIFICATE OF SERVICE

[Certificate of Service
omitted in printing]

Defendant's Answers to Interrogatories

[Title omitted in printing]

DEFENDANT'S ANSWERS TO INTERROGATORIES
TO DEFENDANT WESTINGHOUSE BROADCASTING
COMPANY IN ORDER TO DETERMINE A
CLASS ACTION

AND NOW COMES the Defendant pursuant to the Federal Rules of Civil Procedure and submits the following Answers to Interrogatories addressed to the Defendant by the Plaintiff, JO ANN EVANS GARDNER.

I. Introduction

C. Each of the following Interrogatories is intended to be a continuing Interrogatory and Plaintiffs hereby demand that in the event at any later date the Defendants obtain any additional facts, or form any conclusions, opinions or contentions different from those set forth in their Answers to such Interrogatories such Defendants shall amend their Answers to such Interrogatories promptly, and sufficiently in advance of any trial, to fully set forth such differences.

Defendant objects to Plaintiff's

Defendant's Answers to Interrogatories

designation, in Section C of the Introduction, of the Interrogatories as continuing and requiring the Defendant to amend its Answer at any time between the date of filing the Answer to Interrogatories and the date of trial.

Defendant asserts such designation of the Interrogatories as continuing in nature as being beyond the requirements of FR CP 26(e).

1. State your Corporate name and proper corporate headquarters and the proper address of the corporate offices in Pittsburgh if different than the corporate headquarters.

ANSWER: The Defendant is Westinghouse Broadcasting Company, whose corporate headquarters is 90 Park Avenue, New York, New York, 10016 and whose corporate office in Pittsburgh is Westinghouse Broadcasting Company, KDKA, One Gateway Center, Pittsburgh, Pennsylvania, 15222.

2. State the names of the various radio stations operated by you, the legal names and addresses of the

Defendant's Answers to Interrogatories

radio stations and the call letters of each radio station.

ANSWER: The Defendant, Westinghouse Broadcasting Company, owns and operates the following radio stations, each of which is known as Westinghouse Broadcasting Company and is further identified by the call letters under which it is registered with the FCC:

- a. WBZ 1170 Soldiers Field Road, Boston, Mass. 02134;
- b. WINS 90 Park Avenue, New York, New York 10016;
- c. KYW Independence Mall, East, Philadelphia, Penna. 19106;
- d. KDKA One Gateway Center, Pittsburgh, Penna. 15222;
- e. WOWO 124 West Washington Blvd., Ft. Wayne, Ind. 46800;

Defendant's Answers to Interrogatories

- f. WIND 625 No. Michigan Avenue, Chicago, Illinois 60611;
- g. KFWB 6419 Hollywood Blve., Los Angeles, California 90028.

3. State the organization of each radio station including the departments such as programming, personnel, accounting (billing), sales, advertising, executive, public service, payroll, producer-directors, engineering, etc., and any other departments which each radio station may have. Include under programming or other appropriate categories the organization of "on the air" persons including talk show hosts, news broadcasters, sports broadcasters, disc jockies, etc.

ANSWER: Information submitted in response to Interrogatory Number 3 relates only to the organization of Westinghouse Broadcasting Company, KDKA Radio, One Gateway Center, Pittsburgh, Pennsylvania, 15222. Defendant objects to that part of Interrogatory Number 3 which relates to

Defendant's Answers to Interrogatories

radio stations other than Westinghouse Broadcasting Company, KDKA, Pittsburgh, Pennsylvania, as being not relevant to the subject [sic] matter of the action and as imposing an unduly burdensome and oppressive task upon the Defendant because the information necessary to answer this Interrogatory for radio stations other than Westinghouse Broadcasting Company, KDKA, Pittsburgh, Pennsylvania, is not available to the representative of the Defendant providing Answers to this Interrogatory.

The organization of Westinghouse Broadcasting Company, KDKA Radio, Pittsburgh, Pennsylvania, consists of the following departments:

- A. Regional Vice President's Department;
- B. General Manager's Department;
- C. Editorial Writers' Department;
- D. Personnel and Administrative Coordinator's Department;
- E. Sales Department;

Defendant's Answers to Interrogatories

- F. Promotion Department;
- G. Business and General Services Department;
- H. Engineering Department;
- I. Programming Department;
- J. News Department, which includes the News Director and all on-the-air news announcers;
- K. Talent Department, which includes all announcers other than news announcers and specifically includes any and all talk show hosts, sports broadcasters and disc jockies.

4. State the number of female employees in the various departments of each radio station and identify the position and identify each female employee in the categories listed in question 3.

ANSWER: Information submitted in response to Interrogatory Number 4 relates only to the Westinghouse Broadcasting Company, KDKA Radio, One Gateway Center, Pittsburgh, Pennsylvania,

Defendant's Answers to Interrogatories

15222. Defendant objects to that part of Interrogatory Number 4 which relates to radio stations other than Westinghouse Broadcasting Company, KDKA, Pittsburgh, Pennsylvania, as being not relevant to the subject matter of the action and as imposing an unduly burdensome and oppressive task upon the Defendant because the information necessary to answer this Interrogatory for radio stations other than Westinghouse Broadcasting Company, KDKA, Pittsburgh, Pennsylvania, is not available to the representative of the Defendant providing Answers to this Interrogatory.

Westinghouse Broadcasting Company, KDKA Radio, Pittsburgh, Pennsylvania, employs the following female persons in various departments listed in response to Interrogatory Number 3:

- A. Regional Vice President's Department - two (2) employees - one (1) female. Carol Allen - Secretary to an officer 8300 Ohio River Road,

Defendant's Answers to Interrogatories

Pittsburgh, PA 15202.

- B. General Manager's Department -two (2) employees one (1) female. Jovina A. Eliszo -Secretary to General Manager 136 Sheridan Avenue, Apartment No. 109, Bellevue, Pennsylvania, 15202.
- C. Editorial Writer's Department - two (2) employees - one (1) female. Mary L. Castillo - Secretary-Stenographer - Bigelow Hotel, Apartment No. 523, Bigelow Boulevard, Pittsburgh, PA 15219.
- D. Personnel and Administrative Coordinator's Department -one (1) employee - one (1) female. Elizabeth Scott - Administrative and Personnel Coordinator - 715 Chess Street, Monongehela, Pennsylvania, 15603.

Defendant's Answers to Interrogatories

- E. Sales Department - nine (9) employees - three (3) females. Marjorie Burger - Secretary -1200 Hazlett Road, Pittsburgh, Pennsylvania, 15227. Anne Donohoe - Account Executive - 5851 Morrowfield Avenue, Pittsburgh, PA 15217. Bonnie May - Account Executive - 839 Herberton Street, Pittsburgh, Pennsylvania, 15206.
- F. Promotion Department - three (3) employees - three (3) females. Pamela Cleeland - Advertising and Sales Promotion Manager -944 Vista Glen Drive, Bet Park, Pennsylvania, 15102. Lois Elder - Traffic Correlator 2208 Chalfa Street, Pittsburgh, Pennsylvania, 15221. Lavita Mays - Clerk Typist -3025 Center Avenue, Pittsburgh,

Defendant's Answers to Interrogatories

- Pennsylvania, 15219.
- G. Business and General Services Department - eleven (11) employees - four (4) females. Ruth Vogel - Accounting Clerk - 111 Greenwood Drive, Pittsburgh, PA 15236. Alice Heidt - Janitor - 6637 Shetland Avenue, Pittsburgh, PA 15206. Helen Tumbas - Telephone Operator and Receptionist - 4143 Brownsville Road, Pittsburgh, PA 15227. Denise Welsh - Clerk Typist - 320 Cliffside Manor, Apartment No. 41, Pittsburgh, PA 15202.
- H. Engineering Department - eighteen (18) employees - one (1) female. Shirley Barnes - Technician - 9822 Presidential Drive, Allison Park, Pennsylvania 15101.
- I. Programming Department -

Defendant's Answers to Interrogatories

- nine (9) employees - four (4) females. Ida Lee - Secretary - 59 Penn Circle West, Apartment U210, Pittsburgh, PA 15206. Janet Hrubic - Producer - 119 Oakville Drive, Pittsburgh, PA 15220. Laura Hansen - Producer - 2210 William Penn Highway, Pittsburgh, PA 15235. Lenne Heaton - Producer - 237 Meridian Road, Butler, PA 16001.
- J. News Department - ten (10) employees - two (2) females. Eleanor Shano Conway - Staff Announcer - 1139 Greenridge Lane, Pittsburgh, PA 15229. Cynthia Taft Grano - Staff Announcer - 5859 Northumberland Street, Pittsburgh, PA 15217.
- K. Talent Department - eleven (11) employees - seven (7) full time -

Defendant's Answers to Interrogatories

four (4) part time - No females.

5. If there are additional females employed by you not listed under question 4, identify each one and state the job or position held.

ANSWER: Information submitted in response to Interrogatory Number 5 relates only to Westinghouse Broadcasting Company, KDKA Radio, One Gateway Center, Pittsburgh, Pennsylvania, 15222. Defendant objects to that part of Interrogatory Number 5 which relates to radio stations other than Westinghouse Broadcasting Company, KDKA, Pittsburgh, Pennsylvania, as being not relevant to the subject matter of the action and as imposing an unduly burdensome and oppressive task upon the Defendant because the information necessary to answer this Interrogatory for radio stations other than Westinghouse Broadcasting Company, KDKA, Pittsburgh, Pennsylvania, is not available to the representative of the Defendant providing Answers to this Interrogatory.

Defendant's Answers to Interrogatories

Westinghouse Broadcasting Company, KDKA Radio, Pittsburgh, Pennsylvania, has, and does, on occasion employ the following females, who are regularly employed by KDKA TV, to make radio broadcasts:

- A. Lee Arthur - Staff Announcer - Gateway Towers, Apartment 16F, Pittsburgh, PA 15222.
- B. Yvonne Forston - Staff Announcer - 114 Rivercrest Drive, Corapolis, PA 15108.
- C. Patricia Burns - Staff Announcer - 120 DuPont Circle, Pittsburgh, PA 15243.

6. State the number of female job applications from January 1, 1970 until the present and identify each job applicant.

ANSWER: Information submitted in response to Interrogatory Number 6 relates only to Westinghouse Broadcasting Company, KDKA Radio, One Gateway Center, Pittsburgh, Pennsylvania, 15222. Defendant

Defendant's Answers to Interrogatories

objects to that part of Interrogatory Number 6 which relates to radio stations other than Westinghouse Broadcasting Company, KDKA, Pittsburgh, Pennsylvania, as being not relevant to the subject matter of the action and as imposing an unduly burdensome and oppressive task upon the Defendant because the information necessary to answer this Interrogatory for radio stations other than Westinghouse Broadcasting Company, KDKA, Pittsburgh, Pennsylvania, is not available to the representative of the Defendant providing Answers to this Interrogatory.

Westinghouse Broadcasting Company, KDKA Radio, Pittsburgh, Pennsylvania, does not have records of job applicants from January of 1970 until the present time. Applications are retained for a period of 120 days from the date received by agreement with the Pennsylvania Human Relations Commission and unless renewed, are not, as a matter of policy, kept beyond that period. The available records indicate that 30 applications have been received

Defendant's Answers to Interrogatories

from females for employment by KDKA Radio as Follows [sic]:

Defendant's Answers to Interrogatories

<u>KDKA-RADIO</u>	<u>NAME</u> <u>POSITION</u>	<u>DATE</u>	<u>ADDRESS</u>
	Scanlon, KA Writer/Reporter	5-15-75	210 Oakland Place North Wales, Pennsylvania 19454
	Baker, Connie Reporter	5-21-75	3L-4754 Westwood Park Shreveport, Louisiana 71109
	Grzybek, Anne M. Secretary	6-23-75	138 Elmwood Drive Glenshaw, Pennsylvania 15116
	Erra, Diane M. Secretarial	6-11-75	404 East Garden Road Pittsburgh, Pennsylvania 15227

Defendant's Answers to Interrogatories

Katz, Shirley News Writer	5-12-75	2414 Marbury Road Pittsburgh, Pennsylvania 15221
Burgio, Karen News	6-4-75	403 Village in the Park 3001 Marshall Road Pittsburgh, Pennsylvania 15214
Summers, BJ News	5-31-75	K-8 Crabtree Crest Apt. 200 Six Forks Road Raleigh, N. Carolina 27509
Kerr, Barbara Reporter	5-27-75	1763 Quigg Drive Pittsburgh, Pennsylvania 15241

Defendant's Answers to Interrogatories

Chute, Eleanor Reporter	3-11-75	1143 Jackson Street Pittsburgh, Pennsylvania 15221
Yundt, N. Financial Adm.	3-10-75	204 S. Green Lane Zelienople, Pennsylvania 16063
Hardin, B. Announcer	3-3-75	533 9th Street Clairton, Pennsylvania
Guthrie, KM Radio Broadcasting	3-20-75	225 Waldorf Street Pittsburgh, Pennsylvania 15214
Lee, EL Writer	3-20-75	6325 Phillips Avenue Pittsburgh, Pennsylvania 15217

Defendant's Answers to Interrogatories

Penoc, JA Promotion	3-3-75	2251 Ramsey Road Monroeville, Pennsylvania 15146
Santus, S. News Reporter	3-20-75	RD #4 Indiana, Pennsylvania 15701
Godfrey, PA Newscaster-Journalist		1186 Hilltop Drive Akron, Ohio 44310
Kinsel, L. Journalist	3-75	103 Eton Drive Pittsburgh, Pennsylvania 15215
Throp, C. Journalist		3282 St. Ignatius Place Santa Clara, California 95051

Defendant's Answers to Interrogatories

Haye, L. News Reporter		1064 Mississippi Avenue Mt. Lebanon, Pennsylvania 15216
Gaydos, J. Production	2-28-75	2036 N. Walnut 18C Bloomington, Indiana 47401
Judd, Jackie News Department	6-75	88 South State Street Concord, NH 03301
Sirockman, Victoria E. Traffic	5-15-75	1900 Westmont Avenue Pittsburgh, Pennsylvania 15210
Drake, Toni J. Public Relations	4-28-75	25 Cedricton Street Pittsburgh, Pennsylvania 15210

Defendant's Answers to Interrogatories

Jarkiewicz, Kathleen Accounting	5-2-75	5117 Azalea Drive Pittsburgh, Pennsylvania 15236
Kukurin, Daren Promotions	4-25-75	Beaver Hills Apts. 304 State College, Pennsylvania 16801
	5-1-75	3536 Ridgewood Drive
Powell, Wendy Engineering	4-29-75	140 Cottage Street New Bedford, Mass. 02740
Shutok, LC Journalist	4-12-75	38 Lexington Avenue Uniontown, Pennsylvania 15401

Defendant's Answers to Interrogatories

Grano, Cynthia T. Radio Newsperson	5-2-75	5859 Northumberland Pittsburgh, Pennsylvania 15219
Byington, Stacey J. News Writer	3-2-75	5700 Bryant Street #4 Pittsburgh, Pennsylvania 15206
McCabe, Irene Talk Show Host	4-4-75	1024 Suter Road Glenshaw, Pennsylvania

Defendant's Answers to Interrogatories

During the period for which records are available, Westinghouse Broadcasting Company received applications from 291 females who did not specifically indicate whether their application related to KDKA Radio of [sic] KDKA TV. Information as to those applicants follows:

Defendant's Answers to Interrogatories

<u>NO SPECIFICATION</u>	<u>NAME</u> <u>POSITION</u>	<u>DATE</u>	<u>ADDRESS</u>
	Quigley, MG Reporter	2-25-75	3131 Terrace Pittsburgh, Pennsylvania 15213
	Paterson, GK Broadcasting	2-7-75	105 Kings Pt. Drive Glenshaw, Pennsylvania 15116
	Adamcik, DM Secretarial	2-14-75	505 Vulcan Street McKees Rocks, Pennsylvania 15136
	Williamson, SL Open	2-17-75	1403 Hunter Street Pittsburgh, Pennsylvania 15221

Defendant's Answers to Interrogatories

Sosso, LS Secretary	2-14-75	4109 Surrye Drive Allison Park, Pennsylvania 15101
Spisak, RJ Production	2-13-75	717 State Street New Kensington, Pennsylvania 15068
Hartz, PA Secretarial	2-5-75	2429 Cobden Street Pittsburgh, Pennsylvania 15203
Long, CL Mail Clerk		410 Dawson Avenue Bellevue, Pennsylvania
Kegges, MJ Bookkeeping	1-31-75	8237 Nadine Road Verona, Pennsylvania 15147

Defendant's Answers to Interrogatories

Clements, CS Newsroom Asst.		705 McCoy Road McKees Rocks, Pennsylvania 15136
Cooper, LA Secretarial	2-1-75	7879 Mark Drive Verona, Pennsylvania 15147
Markus, DF Clerical	2-14-75	4837 Hatfield Street Pittsburgh, Pennsylvania 15201
Edmonson, KB Secretary	2-19-75	86 N. Harrison Avenue Pittsburgh, Pennsylvania 15202
Potts, NG Communications	2-14-75	923 Miami Avenue Pittsburgh, Pennsylvania 15228

Defendant's Answers to Interrogatories

Coleman, JA	2-21-75	RD #3 Box 261-L Greensburg, Pennsylvania 15601
Allen, Suzanne R. Advertising	3-26-75	121 Marian Avenue Glenshaw, Pennsylvania 15116
Capozzi, Mary J. Writer	4-1-75	1453 Stoltz Road Bethel Park, Pennsylvania 15102
Gesler, Christie E. Broadcast Promotion	3-3-75	5873 Hobart Street Pittsburgh, Pennsylvania 15217
Glynn, Cynthia L. Broadcast Promotion	2-23-75	716 Crucible Street Pittsburgh, Pennsylvania 15220

Defendant's Answers to Interrogatories

Williams, Karen L. News Writer	2-21-75	211 Shackelford Drive Monroeville, Pennsylvania 15146
Mikesell, Suzanne R. Secretarial	4-22-75	243 Poplar Street Monroeville, Pennsylvania 15146
Drozak, Janet D. Receptionist	4-2-75	23 Harrison Pittsburgh, Pennsylvania 15205
Moore, Mary L. Mailroom	4-2-75	23 Harrison Pittsburgh, Pennsylvania 15205
Pauley, Linda M. Anything	4-2-75	11 Warriors Road Pittsburgh, Pennsylvania 15205

Defendant's Answers to Interrogatories

Parrish, Patricia M. General Office	4-2-75	214 Dinwiddie Street Pittsburgh, Pennsylvania 15219
Mayni, Janice Clerical Work	3-25-75	225 Magnolia Whitaker, Pennsylvania 15120
Trapani, Mary Cleaning	3-17-75	4776 Sciota Street Pittsburgh, Pennsylvania 15224
Rickwal, Suzanne Broadcast Promotion	2-23-75	245 Academy Avenue Pittsburgh, Pennsylvania 15228
Katonik, Carol A. Broadcast Promotion	4-75	309 Halket Street Pittsburgh, Pennsylvania 15213

Defendant's Answers to Interrogatories

Fishman, Margaret E. Broadcast Promotion	2-27-75	2130 Wightman Street Pittsburgh, Pennsylvania 15217
Brandes, Jan L. Broadcast Promotion	2-25-75	51 E. Sandun Ct. Pittsburgh, Pennsylvania 15239
Grupp, Marcia S. Broadcast Promotion	2-22-75	911 Country Club Drive Mt. Lebanon, Pennsylvania 15228
Ligato, Lorraine C.	4-75	423 Elm Street Slippery Rock, Pennsylvania 16057
Drew, KE Writing	4-75	2000 Texdale Avenue Pittsburgh, Pennsylvania 15216

Defendant's Answers to Interrogatories

Abrams, PL Promotion	2-25-75	5700 Bunkerhill Road Pittsburgh, Pennsylvania 15206
Wertz, Cynthia, H. Anything	3-24-75	1326 Woodland Monroeville, Pennsylvania 15146
Laulicut, Nancy S. Newswriting	4-75	1420 Barnsdale Street Pittsburgh, Pennsylvania 15217
Pesta, Mabel	3-24-75	509 Franklin Street E. Pittsburgh, Pennsylvania 15112
Maher, Marcia C. Technical	4-75	1330 Sun Ridge Drive Pittsburgh, Pennsylvania 15241

Defendant's Answers to Interrogatories

Martin, Sherrie L. General Office	3-18-75	728 Anaheim Street Pittsburgh, Pennsylvania 15219
Williams, Patricia A. Switchboard [sic] Operator	7-16-75	1040 Brushton Avenue Pittsburgh, Pennsylvania 15208
DeCourcy, Dara A. Admin. Asst.	2-24-75	924 Old Hills Road Boston, Pennsylvania 15135
Kish, Ester M. Broadcast Promotion	3-1-75	3888 Mayfair Pittsburgh, Pennsylvania 15204

Defendant's Answers to Interrogatories

Johnson, Harriet, R. Admin. Clerk	3-1-75	105 Dilworth Street Pittsburgh, Pennsylvania 15211
Brubaker, Linda J. Broadcast Promotion		9813 Presidential Drive Allison Park, Pennsylvania 15101
Jackson, Judith Promotions	3-7-75	204B Glen Andrews Drive Glenshaw, Pennsylvania 15116
Scott, Rosanne C.	4-75	3839 Dalewood Avenue Pittsburgh, Pennsylvania 15227
Peters, Patricia D. Broadcast Promotion	3-3-75	815 Library Avenue Carnegie, Pennsylvania 15106

Defendant's Answers to Interrogatories

Fanion, Cheryl	4-74	1312 Elm Street Pittsburgh, Pennsylvania 15221
Jefferson, Doris C.	4-75	7725 Kelly Street Pittsburgh, Pennsylvania
O'Brien, Jean E. Management	3-27-75	Box 215 Manorville, Pennsylvania 16238
Weiss, Madeline Broadcast Promotion	2-25-75	565 East End Avenue Pittsburgh, Pennsylvania 15221
Vignovich, Dianne L. Broadcast Promotion	2-25-75	2011 Irwin Street Aliquippa, Pennsylvania 15001

Defendant's Answers to Interrogatories

Connelly, Carol A.	4-75	105 Ardennes Ct. Trafford, Pennsylvania 15085
Fuoco, Patricia Broadcast Promotions	2-25-75	1063 Greenbriar Road Bethel Park, Pennsylvania 15102
Maloney, Kathleen E. Broadcast Promotions	2-24-75	1441 Blossom Hill Road Pittsburgh, Pennsylvania 15234
Miller, Deborah R.	3-6-75	628 Dorseyville Road Pittsburgh, Pennsylvania 15238
Richardson, AJ Communications	2-5-75	2249 Laurel Lane Allison Park, Pennsylvania 15101

Defendant's Answers to Interrogatories

Necheff, A. Clerical	208 Acme Avenue Cheswick, Pennsylvania 15024
Channell, K, Announcer	207 Hite Avenue Fairmont, W. VA 26554
Allnock, TE Secretary	3-18-75 1005 Bernice Drive Allison Park, Pennsylvania
Harms, HL Receptionist	3-17-75 Box C 2544 Lewisburg, Pennsylvania 17837
Sodini, C. Receptionist	3-24-75 717 Highway Road Pittsburgh, Pennsylvania 15234

Defendant's Answers to Interrogatories

Cloherly, BJ Management	3-25-75 2523 Duquesne Avenue W. Mifflin, Pennsylvania 15122
Magnus, BK Secretarial	3-25-75 18 Rivera Road Pittsburgh, Pennsylvania 15239
Mitchell, GA Office Work	3-28-75 4452 Sweetbay New Homestead, Pennsylvania 15120
Ford, BA Accounting	3-31-75 108 Sheffield Drive Irwin, Pennsylvania 15642
Hense, ME Receptionist	3-27-75 2380 Hidden Timber Drive Upper St. Clair, Pennsylvania

Defendant's Answers to Interrogatories

Odonnell, KL Secretary	3-18-75	280 Denver Drive McKees Rocks, Pennsylvania
Alexa Coussoule Communications	2-28-75	205 Gilkeson Road Pittsburgh, Pennsylvania 15228
Creque, FH Management		139 Clesterfield Road Pittsburgh, Pennsylvania 15213
Keck, JW Marketing		598 Farview Drive Greenburg, Pennsylvania 15601
Hamilton, LN Secretarial	3-4-74	4027 Grizella Street Pittsburgh, Pennsylvania 15214

Defendant's Answers to Interrogatories

Brietic, KL Anything	3-7-75	4374 Homestead Duq. Road Munhall, Pennsylvania 15102
Lewis, D. Clerical	3-7-75	190 Luthrop Street Pittsburgh, Pennsylvania 15213
Conroy, CA Anything	3-10-75	570 Carriage Circle Pittsburgh, Pennsylvania 15205
Moone, PA Secretarial	3-11-75	260 Robinson Street Pittsburgh, Pennsylvania 15213
Staffell, ME Communications	3-10-75	3464 Treeline Drive Murrysville, Pennsylvania 15668

Defendant's Answers to Interrogatories

Howe, CA Production	3-13-75	2527 Poincella Drive McKeesport, Pennsylvania
Baer, DJ Communications	3-13-75	107 Shippen Drive Coraopolis, Pennsylvania
Kosic, DL Production	3-13-75	3415 Beechwood Blvd. Pittsburgh, Pennsylvania 15217
Brown, RV Secretarial	3-11-75	633 Montclair Street Pittsburgh, Pennsylvania 15217
Stewart, GJ Clerk-Typist	3-4-75	4458 Scherling Street Pittsburgh, Pennsylvania 15214

Defendant's Answers to Interrogatories

Zurawka, MB Secretarial	3-5-75	1488 Highland Villa Drive Pittsburgh, Pennsylvania 15234
Sims, RG Secretarial	3-5-75	809 Alden Drive Pittsburgh, Pennsylvania 15220
Travis, LE News Writer	3-5-75	5375 Overland Trial [sic] Pittsburgh, Pennsylvania 15236
Whitner, MA Production Asst.	3-5-75	RD 1 Box 249 Gibsonia, Pennsylvania
Ellis, A. Producer/Director	3-5-75	5841 Ferree Street Pittsburgh, Pennsylvania 15217

Defendant's Answers to Interrogatories

Uhlig, RA News Reporter	3-5-75	2387 Oakview Drive Pittsburgh, Pennsylvania 15237
Pivik, WJ Receptionist	3-5-75	119 Halliford Drive Pittsburgh, Pennsylvania 15235
Gontscharon, H. Librian	3-6-75	1811 Locust Street Pittsburgh, Pennsylvania 15219
Marchuska, MA Receptionist	3-6-75	1642 Charlton Heights Coraopolis, Pennsylvania 15108
Kalla, SA Advertising	2-25-75	124 Marion Street Munhall, Pennsylvania 15120

Defendant's Answers to Interrogatories

Schaefers, CJ Secretarial	2-28-75	863 Rosalino Road Pittsburgh, Pennsylvania 15237
Glynn, CL Promotion	3-3-75	716 Crucible Street Pittsburgh, Pennsylvania 15220
Nelson, TD Clerical	1-27-75	7 E Hillstown Houses Eymard Street Pittsburgh, Pennsylvania 15221
Fitzgerald, SA Anything	1-28-75	1036 Windermere Drive Pittsburgh, Pennsylvania 15218

Defendant's Answers to Interrogatories

Perkins, SM Personnel	1-18-75	220 Ridge Avenue New Kensington, Pennsylvania 15068
Matisz, PK Secretarial	1-28-75	163 North Street Springdale, Pennsylvania 15144
Brenzie, Judith A. Secretarial	1-28-75	730 S. Negley #20 Pittsburgh, Pennsylvania 15232
Arnold, JF Communications	1-23-75	5819 Fifth Avenue Pittsburgh, Pennsylvania 15232
Bailey, PJ Exec. Secretary	1-20-75	1110 Herr Street Pittsburgh, Pennsylvania 15221

Defendant's Answers to Interrogatories

Hasapes, NJ	1-24-75	3415 Parkview Avenue Pittsburgh, Pennsylvania 15213
McCarthy, SJ Clerk	1-17-75	1035 Woodbourne Avenue Pittsburgh, Pennsylvania 15226
Gilliam, M Clerk		546 Village Road Pittsburgh, Pennsylvania 15202
Klein, PM Secretarial	1-23-75	2116 Edwards Street Bethel Park, Pennsylvania
Kelly, KA Anything	1-11-75	1145 Davis Avenue Pittsburgh, Pennsylvania 15212

Defendant's Answers to Interrogatories

Sabatino, RK Clerical		38 Broadway N. Irwin, Pennsylvania
Martin, EF Secretarial	1-9-75	3301 Charlemagne Circle Pittsburgh, Pennsylvania 15237
Bronz, CA Reporter	1-20-75	801 Thorn Street Sewickley, Pennsylvania 15143
Tomsic, SA Secretarial	1-22-75	6112 Roy Street Finleyville, Pennsylvania
Markosek, MA Clerical	1-12-75	2023 Elmbrook Lane Pittsburgh, Pennsylvania 15243

Defendant's Answers to Interrogatories

McGuire, Karen A. Public Relations	1-17-75	767 Narrows Run Road Coraopolis, Pennsylvania 15108
Lee, AL Summer Student	1-16-75	1257 Paulson Avenue Pittsburgh, Pennsylvania 15206
Wright, Gwendolyn Clerical	12-14-74	117 Syklone Drive Pittsburgh, Pennsylvania 15239
Capozzi, MJ Writer	1-13-75	1453 Stoltz Road Bethel Park, Pennsylvania 15102
Wergin, GS Writer	1-14-75	RD #6 Irwin, Pennsylvania

Defendant's Answers to Interrogatories

Pototo, DL Clerical	1-10-75	200 Glenwood Pittsburgh, Pennsylvania 15207
Hyde, LA Clerical	1-3-75	24 Grand Avenue Pittsburgh, Pennsylvania 15225
Elder, JD Librarian	1-10-75	4716 Ellsworth Avenue Pittsburgh, Pennsylvania 15213
Blye, Elaine Anything	1-9-75	7709 Bennette Street Pittsburgh, Pennsylvania 15208
Ferretti, VS Writer	1-14-75	RD 1 Box 402 Belle Vernon, Pennsylvania 15012

Defendant's Answers to Interrogatories

Turnipseed, LE Typist	1-14-75	7058 Apple Avenue Pittsburgh, Pennsylvania 15206
Perich, BA Receptionist		219 Rising Main Avenue Pittsburgh, Pennsylvania 15212
Howitz, DA Writer	1-13-75	435 Cole RD Sarver, Pennsylvania
Wisniewski, MG Anything	1-10-75	245 W. Stueben Street Pittsburgh, Pennsylvania 15205
Kim, NA Secretary	1-9-75	121 Philomena Drive Coraopolis, Pennsylvania 15108

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Defendant's Answers to Interrogatories

Palmieri, L. Secretary		745 McCaslin Street Pittsburgh, Pennsylvania 15217
Mather, BA Sales	1-6-75	Peters Road Ligonier, Pennsylvania 15658
Palmieri, L. Secretarial	1-7-75	745 McCaslin Street Pittsburgh, Pennsylvania 15217
Carr, EM Secretarial		133 Lee Street Carnegie, Pennsylvania 15106
Glabick, LA Secretary	1-16-75	4301 Upviewter Pittsburgh, Pennsylvania 15201

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Defendant's Answers to Interrogatories

Randall, A. Typist	1-15-75	6917 Frankstown Avenue Pittsburgh, Pennsylvania 15208
Davis, CJ Secretarial	1-2-75	220 N. Jackson Avenue Pittsburgh, Pennsylvania 15202
Harris, L. Typist	1-6-75	5332 Cornwall Street Pittsburgh, Pennsylvania 15224
Sherriff, P.	1-3-75	329 Oaklawn Drive Pittsburgh, Pennsylvania 15241
Fabian, LD Secretary	1-29-75	Box 243 I Imperial, Pennsylvania

Defendant's Answers to Interrogatories

Coy, Judith Typist	1-8-75	727 Bryn Mawr Road Pittsburgh, Pennsylvania 15219
Young, AC Sales	1-10-75	628 Washington Avenue Oakmont, Pennsylvania 15139
Williams, MJ Accounting	1-15-75	7403 Stranahan Pittsburgh, Pennsylvania 15206
Chick, KE Personnel	1-6-75	417 Crescent Gardens Drive Pittsburgh, Pennsylvania 15235
Menzer, S.	1-7-75	RD #1, Venetia Road Venetia, Pennsylvania 15367

Defendant's Answers to Interrogatories

Homnack, Martha R. Secretary	5-22-75	180 S. Lincoln Avenue Beaver, Pennsylvania
Karas, Marlene Reporter	5-29-75	800 Beaver Road Ambridge, Pennsylvania 15003
Zyski, Kathleen M. Secretarial	5-29-75	920 Summit Avenue Monessen, Pennsylvania 15062
Lyles, Beatrice M. Production	5-28-75	329 South First Street Duquesne, Pennsylvania
Berg, Wanda K. Secretarial	5-27-75	707 Penn Avenue Oakmont, Pennsylvania 15139

Defendant's Answers to Interrogatories

Donati, Diane L. Anything	5-27-75	RD #2 Box 86 Burgettstown, Pennsylvania
McCoy, Gloria J. Marketing	5-22-75	1805 Cliff Street Pittsburgh, Pennsylvania 15219
Scuiliti, Linda M. Receptionist	5-22-75	2557 Ivyglen Street Pittsburgh, Pennsylvania 15227
Mielcarek, Dolores L. Receptionist	5-22-75	1821 Mt. Joseph Street Pittsburgh, Pennsylvania 15210
Dyles, Elaine E. Mail Room Clerk	5-22-75	3507 Frazier Street Pittsburgh, Pennsylvania

Defendant's Answers to Interrogatories

Boggess, Claire A. Clerk Typist	5-5-75	612 Montour Street Coraopolis, Pennsylvania 15108
Winston, Vickie Exploratory	5-75	17017 Biltmore Avenue Cleveland, Ohio 44123
Marsden, Karen H. Newscaster	5-75	1341 Beechwood Boulevard Pittsburgh, Pennsylvania 15217
King, Lattie	5-75	839 Grant Street Braddock, Pennsylvania 15104
Stewart, Cynthia Reporter	5-12-75	7959 Remington Pittsburgh, Pennsylvania 15237

Defendant's Answers to Interrogatories

Berdan, Debra E. Writer	5-10-75	1035 Hale Street Pottstown, Pennsylvania 19464
Shaw, Pamela L. Clerical	5-5-75	433-1 Spring Run Road Coraopolis, Pennsylvania 15108
Hines, Imogene A. Producer	5-5-75	105 Mark Twain Drive Glenshaw, Pennsylvania
Whalen, Dana E. Journalism	5-75	590 Wethersfield Avenue Hartfor, [sic] Conn. 06114
Craver, Judy A. Clerical	5-6-75	501 Fourth Street Braddock, Pennsylvania 15104

Defendant's Answers to Interrogatories

Nagy, Joanne S. Secretary	5-6-75	174 Richard Drive Glenshaw, Pennsylvania
Kleer, Frances A. Dictaphone Typist	5-7-75	29 North Emily Pittsburgh, Pennsylvania
Zetwo, Mary A. Public Relations	5-31-75	2327 Wells Drive Bethel Park, Pennsylvania 15102
Kinkins, Kim D. Receptionist	5-9-75	144 Maryland Avenue West Mifflin, Pennsylvania
Siena, Debora M. Secretary	5-19-75	1710 Main Street Pittsburgh, Pennsylvania 15215

Defendant's Answers to Interrogatories

Horton, Wendy S. Typist	5-19-75	3741 Woodrow Avenue Pittsburgh, Pennsylvania 15227
Antonelli, Jan B. Broadcasting	5-13-75	73 West Manilla Avenue Pittsburgh, Pennsylvania 15220
Rosol, Joanne M. Secretarial	5-14-75	4909 Centre Avenue Pittsburgh, Pennsylvania 15213
Tetenauer, Carol Clerical	5-12-75	425 Susanna Pittsburgh, Pennsylvania 15207
Spokane, Susan L. Promotion	4-24-75	107 Queenston Drive Pittsburgh, Pennsylvania 15235

Defendant's Answers to Interrogatories

Ratliff, Carol L. Writer	5-75	Chatham College, Pittsburgh, Pennsylvania
Drevitch, Sharon A. Anything	5-9-75	207 Poplar Grove Pittsburgh, Pennsylvania 15210
Vallone, Catherine R. Anything (Typing)	5-9-75	136 East Agnew Pittsburgh, Pennsylvania 15210
Fleming, Edith J. Receptionist	5-9-75	102 Maryland Avenue W. Mifflin, Pennsylvania 15122
Brown, Lynda N. Secretary	5-22-75	241 Brighton Road Pittsburgh, Pennsylvania 15237

Defendant's Answers to Interrogatories

Gregory, Rita E. Mail Clerk	5-20-75	6909 Mt. Vernon Street Pittsburgh, Pennsylvania 15208
Dalton, Jacquelyn L. Mail Clerk	5-20-75	224 Marshall Avenue Pittsburgh, Pennsylvania 15214
Weilgomas, Doreen Clerical	5-20-75	4019 Swanson Street Pittsburgh, Pennsylvania 15214
Foster, Roberta J. Messenger	5-20-75	318 Union Street Monongahela, Pennsylvania
Lee, Barbara J. Messenger	5-20-75	RD #2 Minog Ch. Road Finleyville, Pennsylvania

Defendant's Answers to Interrogatories

Beal, Martha B. Personnel	5-21-75	209 W. Spruce Street Titusville, Pennsylvania 16354
Ohnhaus, Deborah A. Secretarial	5-21-75	410 St. Joseph Street Pittsburgh, Pennsylvania 15210
Jamison, Margaret		Pittsburgh, Pennsylvania 15235
Majestic, Karen M. Advertising	4-21-75	1642 Methllyl Street Pittsburgh, Pennsylvania 15216
Vogel, Louise C. Production Asst	5-75	949 N. 9th Street Reading, Pennsylvania 19604

Defendant's Answers to Interrogatories

Mate, Dorothy Telephone Operator	4-21-75	5021 Aspen Street W. Mifflin, Pennsylvania 15122
Manko, Helen M. Accountant	5-30-75	121 Hornaday Road Pittsburgh, Pennsylvania 15210
Poleski, Joan L. Clerk-Typist	5-22-75	2915 Daniels Street Pittsburgh, Pennsylvania 15210
Owen, Cynthia Louise Clerical-Typist	5-22-75	1913 Fairland Street Pittsburgh, Pennsylvania 15210
Colbert, Karen A. Secretarial	5-22-75	98 North Joslyn Drive Pittsburgh, Pennsylvania 15235

Defendant's Answers to Interrogatories

Sulzer, BA Public Relations	4-14-75	135 Mallard Drive McKees Rocks, Pennsylvania
Oneill, SL Marketing	4-15-75	24 Oakville Ct. Pittsburgh, Pennsylvania 15220
McWilson EG Clerical	4-75	1218 Ann Street Homestead, Pennsylvania 15120
Dadey, DG Broadcast Promotion	2-24-75	201 Woodridge Drive Carnegie, Pennsylvania 15106
Whitake, CA Clerical	4-29-75	320 Ohio River Boulevard Sewickley, Pennsylvania 15143

Defendant's Answers to Interrogatories

Mramor, PA	4-16-75	659 Somerville Pittsburgh, Pennsylvania 15243
Public Relations		
Klauschev, BL	4-16-75	2193 Grandview Avenue Clev. Heights, Ohio 44106
Production		
Alexander, RL	4-22-75	Box 99 McVey Street Sturgeon, Pennsylvania
Computer Programmer		
Sopko, SJ	4-14-75	1431 Orr Drive Pittsburgh, Pennsylvania 15234
Receptionist		
Hoffman, DJ	4-17-75	507 Chestnut Street Carnegie, Pennsylvania 15106
Typist		

Defendant's Answers to Interrogatories

Luptak, JM	4-9-75	1020 Lincoln Avenue Duquesne, Pennsylvania
Secretarial		
Boone, RS	4-10-75	5704 Wellesley Avenue Pittsburgh, Pennsylvania 15206
Advertising		
White, KE	4-2-75	430 Lincoln Avenue Pittsburgh, Pennsylvania 15206
Billing Clerk		
Nelson, BJ	3-24-75	440 Michigan Street Pittsburgh, Pennsylvania 15210
General Office		
Gatto, MA	4-8-75	434 Parkridge Drive Pittsburgh, Pennsylvania 15235
General Office		

Defendant's Answers to Interrogatories

Veronesi, SV Production Asst.	5-8-75	3206 Wagner Road Allison Park, Pennsylvania
Gramc, MJ Clerical	4-7-75	2106 Lautner Street. Pittsburgh, Pennsylvania 15212
Kenski, SM Sales	4-15-75	5888 Glen Hill Drive Bethel Park, Pennsylvania 15102
Fleming, DD Clerical	4-24-75	102 Maryland Avenue W. Mifflin, Pennsylvania 15122
Hrindac, DE Anything	4-23-75	RD #1 Box 238 Cannonsburg, Pennsylvania 15317

Defendant's Answers to Interrogatories

Nemesh, BA Public Relations	2-7-75	125 Castner Avenue Donora, Pennsylvania 15033
Fowler, HR Secretary	3-27-75	447 Bedford Avenue Rochester, Pennsylvania 15074
Sodini, C. Receptionist	3-24-75	717 Highview Road Pittsburgh, Pennsylvania 15234
Broz, CA Reporter	2-75	801 Thorn Street Sewickley, Pennsylvania 15143
Waugh, AD Promotion	2-23-75	7039 Meade Place Pittsburgh, Pennsylvania 15208

Defendant's Answers to Interrogatories

Scott, AM Promotion	2-28-75	409 John Street Pittsburgh, Pennsylvania 15212
Carpenter, PL Exec. Secretary	3-31-75	550 Simpson, Eowell Road Elizabeth, Pennsylvania 15037
Lamagna, EM Copywriter	3-29-75	607 Saxonburg Road Pittsburgh, Pennsylvania 15238
Berletic, DR General Mgmt.	4-12-75	956 Church Street Indiana, Pennsylvania 15701
Kascak, K. Stenographer	4-4-75	4426 Glencarin Street W. Mifflin, Pennsylvania 15122

Defendant's Answers to Interrogatories

Sloss, RA Secretarial	4-4-75	1707 Worton Boulevard W. Mifflin, Pennsylvania 15122
Braunstein, M. Broadcast Media	4-8-75	3014 Frederick Street Pittsburgh, Pennsylvania 15212
Wentzel, SL Secretary	4-25-75	501 Millers Lane Pittsburgh, Pennsylvania 15239
Morgan, EM Announcer	4-21-74	7524 Elk Road Pittsburgh, Pennsylvania 15235
Deasy, DA Writer	4-28-75	2709 Champlain Drive Pittsburgh, Pennsylvania

Defendant's Answers to Interrogatories

Gealy, SH Advertising	3-4-75	337 Delano Drive Pittsburgh, Pennsylvania 15236
McInerney, S. Promotion	3-28-75	300 Carnegie Place Pittsburgh, Pennsylvania 15208
Roach, BA Clerical	4-3-75	7926 Madria Pittsburgh, Pennsylvania
Hill, LP Acctg. Clerk	4-7-75	4924 Jordan Way Pittsburgh, Pennsylvania 15224
Macklin, L. Asst. Dir/Pro.	6-12-75	136 Wabash Avenue Pittsburgh, Pennsylvania 15220

Defendant's Answers to Interrogatories

Gardner, AM Clerical	4-24-75	3321 Virginia W. Mifflin, Pennsylvania
Kriss, E. Secretarial	4-22-75	99 South 19th Street Pittsburgh, Pennsylvania 15203
Lardy, EA Accounting	4-17-75	237 Walnut Street Sewickley, Pennsylvania
Boyl, AE Anything	4-14-75	1060 Marwood Avenue Pittsburgh, Pennsylvania 15213
Kosarich, D. Technical	4-14-75	144 Foxcraft Road Pittsburgh, Pennsylvania 15220

Defendant's Answers to Interrogatories

Bates, KJ Anything	4-15-75	660 Charett Place Sewickley, Pennsylvania 15143
Jones, LA Secretary	4-21-75	Golden Grove Road Baden, Pennsylvania 15005
Lagambo, CL Secretary	4-12-75	836 Lindenwood Drive Pittsburgh, Pennsylvania
Stadulis, AT Clerical		427 Stadium Street Pittsburgh, Pennsylvania 15204
Wilson, PJ Secretary	4-5-75	7233 Penn Avenue #5A Pittsburgh, Pennsylvania 15208

Defendant's Answers to Interrogatories

Larkin, DV Accounting		902 Cedarwood Drive Pittsburgh, Pennsylvania 15235
Ruffin, DE News	3-31-75	525 N. Fairmont Pittsburgh, Pennsylvania 15206
Ward, TL Technician	4-75	100-26 Dekruit Place Bronx, New York 10475
Dutro, J. Promotions	2-8-75	5469 Bartlett Pittsburgh, Pennsylvania 15217
Phillips, Marian Secretarial	6-2-75	Anderson Road, RD #1 Clinton, Pennsylvania 15025

Defendant's Answers to Interrogatories

Trainer, Jill E.	6-2-75	3029 Hebron Drive Pittsburgh, Pennsylvania 15235
Consumer Staff Position		
Prokich, Michele D.	6-2-75	804 Fioelity Drive Pittsburgh, Pennsylvania 15236
Secretarial		
Saunders, Sharon R.	5-5-75	7340 Hamilton Avenue Pittsburgh, Pennsylvania 15208
Anything		
Caruthers, Kathleen	6-4-75	Rossllyn Road Carnegie, Pennsylvania 15106
Public Relations		
Charnock, Diane R.	6-9-75	6535 Church Avenue Pittsburgh, Pennsylvania 15202
Accounting		

Defendant's Answers to Interrogatories

Klauscher, Barbara L.	6-10-75	1033 Farragut Street Pittsburgh, Pennsylvania 16206
Production		
Carlisle, Irene S.	6-9-75	91 Sunnydale Dr., RD #4 Mars, Pennsylvania 16046
Switchboard		
West, Donna	5-29-75	914 Beech Avenue Pittsburgh, Pennsylvania 15233
Accounting		
Hollas, Elizabeth M.	6-75	828 Rebecca Avenue Pittsburgh, Pennsylvania 15221
Accounting		
Terzis, Kathryn	6-2-75	1507 Merrick Avenue Pittsburgh, Pennsylvania 15226
Accounting		

Defendant's Answers to Interrogatories

Warren, Emogene Adm. Management	6-75	5700 Ellsworth Avenue #D8 Pittsburgh, Pennsylvania 15232
Jarkiewicz, Kathleen A. Financial Accountant	5-30-75	5117 Azalea Drive Pittsburgh, Pennsylvania 15236
Manko, Helen M. Bookkeeper	6-75	121 Hornaday Road Pittsburgh, Pennsylvania 15210
Sniderman, Bernice Accountant	5-30-75	1323 Wightman Street Pittsburgh, Pennsylvania 15217
Exler, Nancy M.	6-75	259 Lilac Drive Monroeville, Pennsylvania 15146

Defendant's Answers to Interrogatories

Cappelli, Mary H. Accounting	5-31-75	3930 Brownsville Road Pittsburgh, Pennsylvania 15227
Bukovan, Joan Clerk-Steno.	6-5-75	1946 Lowrie Street Pittsburgh, Pennsylvania 15212
Hartley, Nancy A. Clerical	6-10-75	4372 Mt. Royal Boulevard Allison Park, Pennsylvania
Lynn, Karen Anything	5-29-75	325 South River Street Wilkes-Barr, [sic] Pennsylvania 18702
Dolan, Karen E. News Reporter	6-4-75	3730 Orpwood Street Pittsburgh, Pennsylvania 15213

Defendant's Answers to Interrogatories

Bertolino, Deborah Secretarial	6-25-75	1725 Sarah Street Pittsburgh, Pennsylvania 15203
Warren, Toni R. Anything	6-17-75	7163 Upland Street Pittsburgh, Pennsylvania 15208
Lamagna, Ellen M. Typist	6-11-75	607 Saxonburg Road Pittsburgh, Pennsylvania 15238
Kretschmaier, Cathy Receptionist	6-11-75	123 Lily Drive Glenshaw, Pennsylvania
Chavis, Marie R. Secretary	6-7-75	413-D Glen Malcolm Drive Glenshaw, Pennsylvania 15116

Defendant's Answers to Interrogatories

Bughman, Catherine L. Accounting	6-75	Hemlock House Star Route Rector, Pennsylvania 15677
Berecek, Donna J. Exec. Secretary	6-13-75	1470 Ridge Road Ambridge, Pennsylvania 15003
Montgomery, Pamela A. Secretarial	6-16-75	1103 Jenny lind Street McKeesport, Pennsylvania 15132
Calloway, Sharon L.	4-11-75	RD #4 Box 142 Uniontown, Pennsylvania 15401
Ahbez, Angela Anything	4-12-75	236 N. Graham Street Pittsburgh, Pennsylvania 15206

Defendant's Answers to Interrogatories

Guckert, Kathy Financial Accountant	6-8-75	1500 Evergreen Avenue Pittsburgh, Pennsylvania 15209
Greco, Donna R. Advertising	6-17-75	133 Woodshire Drive Pittsburgh, Pennsylvania 15215
Horgan, Beth A. News Researcher	6-18-75	4111 Superior Street Munhall, Pennsylvania
Kelly, Rebecca C. News Production	6-75	813 Somerville Drive Pittsburgh, Pennsylvania 15243
Whittaker, Frances M. Errand Girl	6-26-75	933 Woodlow Street Pittsburgh, Pennsylvania 15205

Defendant's Answers to Interrogatories

Ruhling, Roberta L. Receptionist	6-26-75	2243 Lucina Avenue Pittsburgh, Pennsylvania 15210
Yunk, Sharon L. Receptionist	6-25-75	1143 Vivjon Drive W. Homestead, Pennsylvania 15120
Gibson, Movne K. Newsroom Trainee	6-25-75	519 Zulema Street Pittsburgh, Pennsylvania 15213
Tarasi, Susan L. Receptionist		940 Beaver Street Sewickley, Pennsylvania 15143
Bowden, Patrice L. Personnel	6-24-75	612 Flint Road Allison Park, Pennsylvania

Defendant's Answers to Interrogatories

Castillo, Mary L. Secretary	1-9 75	Bigelow Hotel #523 Bigelow Boulevard Pittsburgh, Pennsylvania 15219
Conway, Eleanor Shano Announcer	4-16-75	1139 Greenridge Lane Pittsburgh, Pennsylvania 15220
Mays, LaVita Clerk-Typist	2-24-75	3025 Centre Avenue Pittsburgh, Pennsylvania 15219

Defendant's Answers to Interrogatories

7. State the number of female employees from the job applications listed above that were hired by you and the category or classification into which each female was placed upon employment.

ANSWER: Information submitted in response to Interrogatory Number 7 relates only to Westinghouse Broadcasting Company, KDKA Radio, One Gateway Center, Pittsburgh, Pennsylvania, 15222. Defendant objects to that part of Interrogatory Number 7 which relates to radio stations other than Westinghouse Broadcasting Company, KDKA, Pittsburgh, Pennsylvania, as being not relevant to the subject matter of the action and as imposing an unduly burdensome and oppressive task upon the Defendant because the information necessary to answer this Interrogatory for radio stations other than Westinghouse Broadcasting Company, KDKA, Pittsburgh, Pennsylvania, is not available to the representative of the Defendant providing Answers to this Interrogatory.

Prior to January 1, 1972, there was no division between radio and

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TV personnel, and it is impossible to determine for which facility any person was hired prior to that date. Westinghouse Broadcasting Company, KDKA Radio, hired twenty-eight (28) females from January 1, 1972 to the present. Information as to the females hired is as follows:

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<u>NAME</u> <u>POSITION</u>	<u>DATE</u> <u>HIRED</u>	<u>LAST KNOWN ADDRESS</u>
Bucci, Evelyn Sales Person	11-20-72	1721 Royal Oak Road #2C Pittsburgh, Pennsylvania 15220
Brodts, Judy Off. & Clerical	4-10-72	237 Universal Road Pittsburgh, Pennsylvania 15235
Johnson, Sardina Production Asst.	11-20-72	390 19 N. Lane #12 Pittsburgh, Pennsylvania 15237
Rose, Leslie Tele. Operator & Recep.	4-21-72	510 Dornestic Pittsburgh, Pennsylvania 15214

Defendant's Answers to Interrogatories

Sanders, Deloria Traffic Correlator	9-5-72	160 Bonifay Street Pittsburgh, Pennsylvania 15210
Talotta, Janice Secretary	5-11-72	237 Marshall Avenue Carnegie, Pennsylvania 15106
Totaro, Lorraine Secretary	8-21-72	1456 Woodline Street Pittsburgh, Pennsylvania 15201
Busic, Maureen Traffic Correlator	5-29-73	RD #1 Box 295 McDonald, Pennsylvania 15057
Lorenzini, Sandra Traffic Correlator	2-5-73	3232 Pinchurst Avenue Pittsburgh, Pennsylvania 15216

Defendant's Answers to Interrogatories

Lynch, Anna Technician	6-4-73	827 Berkshire Avenue Pittsburgh, Pennsylvania 15226
Preston, Carol Staff Anouncer	6-25-73	405 South Braddock Avenue Pittsburgh, Pennsylvania 15221
McCloskey, Barbara Traffic Clerk	3-20-73	9237 Valley Street Pittsburgh, Pennsylvania 15235
Scott, Elizabeth Adm. Personnel Coordinator	1-1-73	715 Chess Monongahela, Pennsylvania 15063
Steigleder, Germaine Detail Acctg. Clerk	9-19-73	2 Hidden Valley Drive Finleyville, Pennsylvania 15332

Defendant's Answers to Interrogatories

Thomas, Anne Secretary	5-14-73	5851 Morrowfield Avenue Pittsburgh, Pennsylvania 15217
Welsh, Denise Clerk-Typist	8-20-73	320 Cliffside Manor #41 Pittsburgh, Pennsylvania 15202
Cleeland, Pamela Adv. & Sls. Promo. Mgr.	10-28-74	944 Vista Glen Drive Bethel Park, Pennsylvania 15102
Elder, Lois Traffic Correlator	2-4-74	2208 Chalfant Street Pittsburgh, Pennsylvania 15221
Groover, Charlotte Traffic Clerk	10-21-74	152 Oakville Drive Pittsburgh, Pennsylvania 15220

Defendant's Answers to Interrogatories

Gunselman, Mary Traffic Clerk	4-1-74	4319 Tesla Street #2 Pittsburgh, Pennsylvania 15217
Hrubic, Janet Producer	2-18-74	119 Oakville Drive #2A Pittsburgh, Pennsylvania 15220
Lee, Ida Secretary	8-12-74	59 Penn Circle W. #U210 Pittsburgh, Pennsylvania 15206
May, Bonnie Salesman	10-15-74	839 Herberton Street Pittsburgh, Pennsylvania 15206
Tumbas, Helen Tele. Oper. & Recep.	9-8-74	4143 Brownsville Road Pittsburgh, Pennsylvania 15227

Defendant's Answers to Interrogatories

Castillo, Mary L. Sec./Steno	1-9-75	Bigelow Hotel #523 Bigelow Boulevard Pittsburgh, Pennsylvania 15219
Conway, Eleanor Staff Announcer	4-14-75	1139 Greenridge Lane Pittsburgh, Pennsylvania 15220
Grano, Cynthia Staff Announcer	5-19-75	5859 Northumberland Pittsburgh, Pennsylvania 15219
Mays, LaVita Clerk-Typist	3-18-75	3025 Centre Avenue Pittsburgh, Pennsylvania 15219

Defendant's Answers to Interrogatories

8. State the number of female employees who were discharged by you from January 1, 1970 until the present time.

ANSWER: Information submitted in response to Interrogatory Number 8 relates only to Westinghouse Broadcasting Company, KDKA Radio, One Gateway Center, Pittsburgh, Pennsylvania, 15222. Defendant objects to that part of Interrogatory Number 8 which relates to radio stations other than Westinghouse Broadcasting Company, KDKA, Pittsburgh, Pennsylvania, as being not relevant to the subject matter of the action and as imposing an unduly burdensome and oppressive task upon the Defendant because the information necessary to answer this Interrogatory for radio stations other than Westinghouse Broadcasting Company, KDKA, Pittsburgh, Pennsylvania, is not available to the representative of the Defendant providing Answers to this Interrogatory.

There is no information available for employees discharged prior to January 1, 1972. The available records

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Defendant's Answers to Interrogatories

of Westinghouse Broadcasting Company, Inc., KDKA Radio, Pittsburgh, Pennsylvania, indicate that six (6) female employees were discharged during the period from January 1, 1972, to present. Those female employees discharged are:

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Defendant's Answers to Interrogatories

<u>NAME</u> <u>POSITION</u>	<u>DATE</u> <u>RELEASED</u>	<u>LAST KNOWN ADDRESS</u>
Brucci, Evelyn Account Executive	8-28-74	1721 Royal Oak Road #2C Pittsburgh, Pennsylvania 15220
Christian, LaVorda Secretary	3-13-72	322 N. Fairmont Street Pittsburgh, Pennsylvania 15206
Eich, Carol Detail Acctg. Clerk	9-27-74	4116 Penn Avenue Pittsburgh, Pennsylvania 15224
Evans, LaVerne Tele. Oper. & Recep.	9-15-74	1007 Emery Drive Pittsburgh, Pennsylvania 15227

Defendant's Answers to Interrogatories

Rose, Leslie
Tele. Oper. & Recep.

11-27-72 510 Dornestic Street
Pittsburgh, Pennsylvania 15214

Wermuth, Lucinda
Traffic Correlator

8-2-72 514 S. Graham Street
Pittsburgh, Pennsylvania 15232

FREELAND & KRONZ

BY s/Wendell G. Freeland

WENDELL G. FREELAND

BY s/Richard F. Kronz

RICHARD F. KRONZ, Esq.

Defendant's Answers to InterrogatoriesA F F I D A V I T

COMMONWEALTH OF PENNSYLVANIA :

: SS:

COUNTY OF ALLEGHENY :

BEFORE ME, the undersigned authority personally appeared EDWARD WALLIS, Director of Westinghouse Broadcasting Company and Regional Vice President in charge of Westinghouse Broadcasting Company, KDKA Radio, Pittsburgh, Pennsylvania, who being duly sworn, deposes and says that the Answers to Interrogatories submitted herewith, are to the best of his knowledge and belief, true and correct.

Deponent further asserts that he is an officer of Westinghouse Broadcasting Company and is authorized to make this Affidavit on behalf of the Defendant.

/s/Edward Wallis

EDWARD WALLIS

JURAT

[Jurat omitted in printing]

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[Title omitted in printing]

INTERROGATORIES TO PLAINTIFF

1. On or about September 16, 1974, did you convey certain demands to the Equal Employment Opportunity Commission regarding the proposed conciliation agreement in the case which you filed against KDKA Radio at EEOC Case No. YP13-208?

ANSWER: Yes, there was a written proposal to conciliate the Complaint.

2. If the answer to question 1 is in the affirmative, was one of these demands to the effect that you be auditioned by a panel of judges including members of the Association for Women in Radio and Television, and that if there was only one woman representative of this Association on the panel, that this woman must be white?

ANSWER: No, no such demand is in this proposal.

3. If the answer to question number 1 is in the affirmative, did you also make a demand to the effect that if you were found unqualified, that a

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special training program be instituted for you specifically and for women generally?

ANSWER: No; no such demand is in the proposal.

4. Is your primary motivation in bringing this lawsuit to secure employment for yourself?

ANSWER: Yes.

5. Were you notified by the Commission on Human Relations of the City of Pittsburgh or the Equal Employment Opportunity Commission that the Equal Employment Opportunity Commission had deferred the claim on which this suit is based to the City Commission?

ANSWER: I was informed on July 19, 1972 that the EEOC had referred the charge TPI2-0823 to the Pennsylvania Human Relations Commission.

6. Did you notify or inform the Commission on Human Relations of the City of Pittsburgh to the effect that you did not wish to sign a Complaint or authorize it to investigate the claim deferred to it by the Equal Employment

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Opportunity Commission on which this suit is based?

ANSWER: I requested the Pittsburgh Human Relations Commission to refer the Complaint back to the EEOC and this was done. Mr. Gabriel did so on July 18, 1972.

7. What is the state or local government agency with which you filed the charge on which this suit is based, as set forth in Item 4 of Exhibit "A" of the Complaint?

ANSWER: I requested the Pittsburgh Human Relations Commission to consider my Complaint a formal Complaint on April 7, 1972, which was acknowledged on April 13, 1972.

8. For each position of employment you have held since the age of 18, list the name of your employer, the nature of the employment, the position or positions held, the date or dates of employment, your salary and the reason or reasons for termination.

ANSWER: Up till the time of the alledged discriminatory act, my employment was:

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<u>Employer</u>	<u>Nature of Work</u>	<u>Position</u>	<u>Dates</u>	<u>Salary</u>	<u>Reason for Leaving</u>
Self Employed	Speaker	Board of	1969-	Expenses	Not
	Writer	Directors	1972		applicable
	Organizer	NOW, Inc.			
Univ. of Pgh.	Research in learning & mathematics	Center Associate	1968-1970	~\$12,000 a year	Activity in feminism
Calif. State College	Teaching	Assoc. Prof.	1967-1968	~\$12,000 a year	Excessive travel

Interrogatories to Plaintiff and Answers

Carnegie Mellon Univ.	Teaching & research	Visiting Ass't. Prof.	1965-1967	~\$12,000 a year	Time limited contract
Univ. of Pgh.	Teaching	Lecturer	1957-1964	~\$5,000 a year	Graduated
Univ. of Pgh.	Research	Assistant	1955-1956	~\$3,000 a year	Entered graduate study
Cornell Univ.	Research	Assistant	1954-1955	~\$3,000 a year	Moved to Pittsburgh

Interrogatories to Plaintiff and Answers

Mellon Inst.	Research	Assistant	1950-1951	\$2,000 a year	Moved to Dublin
Mellon Inst.	Miscellaneous	Technician	1945-1950	\$2,000 a year	Better job
U. S. Army	Driving	Driver	1943-1944	\$2,000 a year	Moved to Pittsburgh

Interrogatories to Plaintiff and AnswersTEMPORARY JOBS:

Chatham College	Instructor of Experimental Lab	1964	Temporary
Penn State Univ. McKeesport Campus	Visiting Assistant Professor	1965	Temporary Job
Mellon Inst.	Miscellaneous Waiter Cashier	1945-	Temporary Job

Interrogatories to Plaintiff and Answers

9. List each institution of higher education beyond the high school level you have attended, the degrees awarded, major fields of study and dates of attendance:

ANSWER:

<u>Institution</u>	<u>Degree</u>	<u>Field</u>	<u>Dates</u>
University of Pgh.	Ph.D.	Psychology	1964
University of Pgh.	M.S.	Psychology	1960
University of Pgh.	B.A.	Biology- Chemistry	1950

10. Did you originally contact KDKA Radio for the sole purpose of applying for employment?

ANSWER: Yes.

11. What caused you to apply for the position in question at KDKA Radio?

ANSWER: I learned that a talk show host position was to be filled by reading a TV news column in the Post Gazette.

12. Why did you want this position of employment?

ANSWER: I did not have a salaried position at that time and thought that

Interrogatories to Plaintiff and Answers

this would be an opportunity to enter a field in which I seem to have a natural talent.

13. Whom did you contact to request the interview referred to in Item 7 of Exhibit "A" of the Complaint?

ANSWER: I contacted Mr. Charles Peterson, an employee of Westinghouse Broadcasting, and made an appointment for a meeting.

14. What date did you make the request for an interview?

ANSWER: I arranged a meeting with Mr. Peterson for January 19, 1972 or thereabout.

15. How did you contact the person referred to in question number 13?

ANSWER: I telephone Mr. Peterson.

16. With regard to the column referred to in Item 7 in Exhibit "A" of the Complaint, state the name of the newspaper in which the column appeared, the date on which the column appeared in this newspaper, the nature of the column, the page on which the column appeared and the name of the author of the column.

Interrogatories to Plaintiff and Answers

ANSWER: The article appeared in the Post Gazette on January 7, 1972, in a column called "On The Air", which generally reports news about TV and radio, on an unknown page. The column was written by Mr. Winn Fanning.

17. On what date were you given the interview referred to in Item 7 of Exhibit "A" of the Complaint?

ANSWER: I met with Mr. Peterson on January 19, 1972, or thereabout.

18. What time did the interview referred to in question number 17 take place?

ANSWER: I believe the meeting occurred after lunch.

19. Who conducted the interview referred to in question number 17?

ANSWER: I met only with Mr. Peterson.

20. Where did the interview referred to in question number 17 take place?

ANSWER: The meeting took place in an office in Gateway Center.

21. Who notified you that the reporter's job had been filled?

Interrogatories to Plaintiff and Answers

ANSWER: No one informed me that the Reporter's job had been filled.

22. What date were you notified that the reporter's job had been filled?

ANSWER: I was never informed that the Reporter's job had been filled.

23. How were you notified that the reporter's job had been filled?

ANSWER: Not applicable.

24. What reason, if any, were you given for not being hired by KDKA Radio for the position for which you applied?

ANSWER: I was never considered for the job for which I had applied, that of talk show host. During the interview, Mr. Peterson said I was too biased and controversial to be hired even if I were being considered for the job.

25. What do you consider as your qualifications for an on-the-air position at KDKA Radio?

ANSWER: Among my qualifications I would list the following:

1. I am articulate, well educated, quick witted, well spoken and experienced in public speaking.

Interrogatories to Plaintiff and Answers

2. I am knowledgeable in the field of Psychology and interact well with people. I enjoy conversation.

3. I have a clear pleasant voice which is lively, interesting and transmits well by radio communications.

4. Compared with the men who are talk show hosts, I would offer a new and different personality attractive to another wide audience and this would help Westinghouse Broadcasting capture more listeners, increase its ratings and hence its revenues.

25.[sic] I had a third class radio operator's license from the Federal Communications Commission.

26. With the exception of the application which forms the basis of this action, have you ever applied for employment at any radio or television stations?

ANSWER: No

27. If the answer to the last question is in the affirmative, list the name and location of each station, the position for which application was made and the result of the application. If

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any of these applications resulted in denials of employment, list the reasons, if any, you were given for such denials.

ANSWER: Not Applicable.

28. Have you ever received monetary compensation for appearing on any radio or television program?

ANSWER: Yes. I have received expenses and fees once on the Public Broadcasting System.

29. If the answer to the last question is in the affirmative, list the name and location of the station, whether it was a radio or television broadcast, the date of the broadcast, the time of the broadcast, the name of the program, the type of program, your role in the program and the amount of compensation you received.

ANSWER: Prior to 1972, I recall being on the following programs:

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<u>Station</u>	<u>Place</u>	<u>Medium</u>	<u>Date</u>	<u>Time</u>	<u>Name</u>	<u>Type</u>	<u>Role</u>	<u>Comp.</u>
CBS	Los Angeles	TV	1970	Network	Art Link-letter	Talk Show	Guest	Exp.
NBC	Miami	TV	1972	Network	Today Show	News	Guest	Exp.
NBC	Wash. D.C.	TV	1972	Syndicated	Barbara Walters	Conver-sation	Guest	Exp.
NBC	New York City	TV	1971	Network	David Suss-kind	Talk Show	Guest	Exp.

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<u>Station</u>	<u>Place</u>	<u>Medium</u>	<u>Date</u>	<u>Time</u>	<u>Name</u>	<u>Type</u>	<u>Role</u>	<u>Comp.</u>
NBC	New York City	TV	1971		Ed Newman	Documentary	Expert	Exp.
PBS	Buffalo, New York	TV	197? (various)	Eve.	Woman	Talk Show	Expert	\$300 Exp.

Interrogatories to Plaintiff and Answers

30. For each Complaint you have ever filed with the United States Equal Employment Opportunity Commission, list the respondent(s), the case and charge numbers, the office where the Complaint was filed, the nature and substance of the Complaint and the disposition of the case.

ANSWER: To my knowledge, I have filed the following Complaints with the EEOC:

1. Respondent - Philadelphia Housing Authority, Charge No. TPA2-1492, Philadelphia office. I filed this as a representative of the National Organization for Women. This was a charge of sex discrimination in the area of illegal job advertising. The EEOC mislaid the records.

2. Respondent - Cosmopolitan Employment Agency, Charge No. YPI5-154, Pittsburgh office. I filed this as a representative of the National Organization for Women. This was a charge of sex discrimination in the area of illegal job advertising. The EEOC found in

Interrogatories to Plaintiff and Answers

favor of the charging party; the case was conciliated.

3. The present case against Westinghouse Broadcasting.

4. Respondent--Equal Employment Opportunity Commission, charge is processed through the Civil Service Commission. This is a charge of sex discrimination in hiring. A decision adverse to the charging party is presently before the Appeal and Review Board.

31. For each Complaint you have ever filed with the Pennsylvania Human Relations Commission, list the respondent(s), the case or docket number, the office where the Complaint was filed, the nature and substance of the Complaint and the disposition of the case.

ANSWER: None. The present case was deferred to the Pennsylvania Human Relations Commission.

32. For each Complaint you have ever filed with the Commission on Human Relations of the City of Pittsburgh, list the respondent(s), the case number, the nature and substance of the Complaint and the disposition of the case.

ANSWER: This case is the only one.

Interrogatories to Plaintiff and Answers

33. For each Complaint, Charge or Challenge you have ever filed with the Federal Communications Commission, list the respondent or station, the Commission docket number, the nature and substance of the Complaint, Charge, or Challenge and the disposition of the case.

ANSWER: None.

34. For each Complaint, Charge or Claim you have ever filed with any other administrative agency or commission of any government or jurisdiction, list the agency or commission, the respondent(s), the case or docket number, the nature and substance of the Complaint, Charge or Claim and disposition of the case.

ANSWER: Spring 1970 -- I was one of the members of the University Committee for Womens Rights who complained of sex discrimination practiced by the University of Pittsburgh, in a formal complaint to the Department of Health, Education and Welfare.

35. Do you presently contemplate filing any Complaints, Charges, Challenges or Claims with any of the agencies or commissions referred to in questions 30-34 above?

Interrogatories to Plaintiff and Answers

ANSWER: This is highly speculative and the question is objected to on the grounds that it is irrelevant.

36. If the answer to question number 35 is in the affirmative, list for each such action contemplated the name of the agency or commission, the respondent(s), and the nature and substance of the contemplated Complaint, Charge, Challenge or Claim.

ANSWER: Not Applicable.

37. With the exception of this case, have you ever been a party to an action in Court?

ANSWER: The question is objected to on the grounds that it is irrelevant.

38. If the answer to the last question is in the affirmative, list for each case the title of the case, the Court and jurisdiction, the docket number, the relief sought, the nature and substance of the action and the disposition of the case.

ANSWER: Not Applicable.

39. Do you presently contemplate instituting any actions in Court?

Interrogatories to Plaintiff and Answers

ANSWER: This is highly speculative, and the question is objected to on the grounds that it is irrelevant.

40. If the answer to the last question is in the affirmative, list for each such action contemplated, the Court and jurisdiction, the defendant(s), the relief sought and the nature and substance of the case.

ANSWER: Not Applicable.

41. Have you ever been a candidate for election to public office?

ANSWER: Yes

42. If the answer to the last question is in the affirmative, list, for each time you were a candidate, the office for which you were a candidate, the date of the primary and general elections in which your name appeared as a candidate, the names of any organizations, newspapers, and political parties that endorsed or supported your candidacy, the result of the primary and general elections as regards your candidacy, and, if elected to office, the length of the term for which you held that office.

Interrogatories to Plaintiff and Answers

ANSWER:

1971 -- I ran for the Pittsburgh City Council in the primary and general elections. I was endorsed by the Pittsburgh Post Gazette, the Pittsburgh Forum, the Americans for Democratic Action, and the National Women's Political Caucus. I won the primary, but lost the general election.

1972 -- I ran for the Pittsburgh Home Rule Commission in the general election. I lost the general election.

1972 -- I ran for the Allegheny County Home Rule Commission in the general election. I won the general election, and served an eighteen (18) month term.

43. Are you now, or were you at the time of making the application for employment in question, a member of any organization or political party referred to in 42 U.S.C. §2000e-2(f)?

ANSWER: Not to my knowledge.

44. With reference to Paragraph V A(1) of the Complaint in this action, why do you believe you are an adequate representative of "female persons who

Interrogatories to Plaintiff and Answers

are now employed, have been employed from July 2, 1965 to the present, or might be employed by the Defendant as professionals, officials, and managers on its broadcasting staff or as technicians, sales workers, or otherwise?" (In answering this question and all of the following questions regarding the allegations in Paragraph V and Paragraph II of the Complaint, including everything which you propose to prove or introduce in Court in any proceedings pursuant to F.R.C.P. 23 (c) and at trial in the event that the Court certifies this case as a class action.)

ANSWER: I am a victim of sex discrimination as a result of the policies and practices of Westinghouse Broadcasting; others have suffered similar discriminatory acts because they are women as the Defendant discriminates against all women in the manner alleged in the complaint and I believe I can represent them as I am a women who has been discriminated against.

45. In what specific ways do you believe that the Defendant has engaged

Interrogatories to Plaintiff and Answers

in unlawful employment practices with regard to the class of persons included in Paragraph V A(1) of the Complaint?

ANSWER: Westinghouse Broadcasting has not maintained a parity between men and women in salary, promotion, assignment, training, and [sic] conditions of employment and hiring.

46. Do you know of any specific instances of unlawful employment practices by the Defendant toward members of the class defined in Paragraph V A(1) of the Complaint other than those allegedly practiced against yourself?

ANSWER: I am aware of several cases of discrimination that have been filed by individuals in which Westinghouse Broadcasting was named as a respondent.

47. If the answer to the last question is in the affirmative, list for each such instance the name and address of the member of the class involved, the time that the unlawful act is alleged to have taken place, and the specifics of the charge of unlawful employment practices.

Interrogatories to Plaintiff and Answers

ANSWER: Since the above information may be confidential under Title VII, identification of these individuals may violate Title VII.

48. What is your estimate of the number of persons who are members of the class defined in Paragraph V A(1) of the Complaint?

ANSWER: I am unable to so estimate from my own knowledge, but my lawyer will be able to do so after discovery procedures are completed.

49. What are the common questions of fact and law affecting the rights of members of the class defined in Paragraph V A(1) of the Complaint?

ANSWER: The common questions of fact and law are, to my knowledge, that women have been discriminated against in salary, job promotion, job assignments, training and terms and conditions of employment and hiring. Any further answer is best obtainable from my attorney.

50. With reference to Paragraph V A(2) of the Complaint, why do you believe that you are an adequate representative

Interrogatories to Plaintiff and Answers

of "those females who have unsuccessfully applied for employment from the Defendant?"

ANSWER: See answer to question 44.

51. In what specific ways do you believe that the Defendant has engaged in unlawful employment practices with regard to the class of person [sic] included in Paragraph V A(2) of the Complaint?

ANSWER: Westinghouse Broadcasting has refused to employ women in certain jobs, particularly in administration and other higher paying jobs.

52. Do you know of any specific instances of unlawful employment practices by the Defendant toward members of the class defined in Paragraph V A(2) of the Complaint?

ANSWER: See answer to question 46.

53. If the answer to the last question is in the affirmative, list for each such instance the name and address of the member of the class involved, the time that the unlawful act is alleged to have taken place, and the specifics of

Interrogatories to Plaintiff and Answers

the charge of unlawful employment practices.

ANSWER: See answer to question 47.

54. What is your estimate of the number of persons who are members of the class defined in Paragraph V A(2) of the Complaint?

ANSWER: See answer to question 48.

55. What are the common questions of fact and law affecting the rights of members of the class defined in Paragraph V A(2) of the Complaint?

ANSWER: The common questions of fact and law are, to my knowledge, that women have not been considered for certain jobs because of their sex and that women as a class are not considered for promotion and certain job assignments e.g., I have never heard a female "disc jockey" on KDKA or any other Westinghouse radio station. Any further answer is best obtainable from my attorney.

56. With reference to Paragraph V A(3) of the Complaint, why do you believe that you are an adequate representative

Interrogatories to Plaintiff and Answers

of "those females who have been discharged by the Defendant?"

ANSWER: See answer to question 44.

57. In what specific ways do you believe that the Defendant has engaged in unlawful employment practices with regard to the class of persons included in Paragraph V A(3) of the Complaint?

ANSWER: Westinghouse Broadcasting has discharged persons because of sex discrimination, I believe.

58. Do you know of any specific instances of unlawful employment practices by the Defendant toward members of the class defined in Paragraph V A(3) of the Complaint?

ANSWER: See answer to question 46.

59. If the answer to the last question is in the affirmative, list for each such instance the name and address of the member of the class involved, the time that the unlawful act is alleged to have taken place, and the specifics of the charge of unlawful employment practice.

Interrogatories to Plaintiff and Answers

ANSWER: See answer to question 47.

60. What is your estimate of the number of persons who are members of the class defined in Paragraph V A(3) of the Complaint?

ANSWER: See answer to question 48.

61. What are the common questions of fact and law affecting the rights of members of the class defined in Paragraph V A(3) of the Complaint?

ANSWER: The common questions of fact and law are, to my knowledge, that women have been discharged because of sex discrimination. Any further answer is best obtainable from my attorney.

62. With reference to Paragraph V A(4) of the Complaint, why do you believe that you are an adequate representative of "those females who would have applied for employment but for the reputation of Defendant in the community that Defendant denied equal employment opportunity to females?"

ANSWER: See answer to question 44.

Interrogatories to Plaintiff and Answers

63. In what specific ways do you believe that the Defendant has engaged in unlawful employment practices with regard to the class of persons included in Paragraph V A(4) of the Complaint?

ANSWER: Westinghouse Broadcasting Company's attitude toward women applicants and employees and lack of females on its staff has contributed to its reputation of not affording women equal opportunity.

64. Do you know of any specific instances of unlawful employment practices by the Defendant toward members of the class defined in Paragraph V A(4) of the Complaint?

ANSWER: See answer to question 46.

65. If the answer to the last question is in the affirmative, list for each such instance the name and address of the member of the class involved, the time that the unlawful act is alleged to have taken place, and the specifics of the charge of unlawful employment practices.

ANSWER: See answer to question 47.

Interrogatories to Plaintiff and Answers

66. What is your estimate of the number of persons who are members of the class defined in Paragraph V A(4) of the Complaint?

ANSWER: See answer to question 48.

67. What are the common questions of fact and law affecting the rights of members of the class defined in Paragraph V A(4) of the Complaint?

ANSWER: The common questions of fact and law are, to my knowledge, that Westinghouse Broadcasting has created the feeling and image that it discriminates against women. Westinghouse Broadcasting has presented a narrowed image of women which has devaluated [sic] women, which discourages women from seeking employment in broadcasting.

68. With reference to Paragraph V A(5) of the Complaint, why do you believe that you are an adequate representative of "those females who will apply and will not be considered for certain jobs because of their sex?"

ANSWER: See answer to question 44.

Interrogatories to Plaintiff and Answers

69. In what specific ways do you believe that the Defendant has engaged in unlawful employment practices with regard to the class of persons included in Paragraph V A(5) of the Complaint?

ANSWER: If Westinghouse Broadcasting continues in its present posture, other women applicants will suffer sex discrimination in hiring and job assignments.

70. Do you know of any specific instances of unlawful employment practices by the Defendant toward members of the class defined in Paragraph V A(5) of the Complaint?

ANSWER: See answer to question 46.

71. If the answer to the last question is in the affirmative, list for each such instance the name and address of the member of the class involved, the time that the unlawful act is alleged to have taken place, and the specifics of the charge of unlawful employment practices.

ANSWER: See answer to question 47.

72. What is your estimate of the number of persons who are members of the

Interrogatories to Plaintiff and Answers

class defined in Paragraph V A(5) of the Complaint?

ANSWER: See answer to question 48.

73. What are the common questions of fact and law affecting the rights of members of the class defined in Paragraph V A(5) of the Complaint?

ANSWER: The common questions of fact and law are, to my knowledge, that Westinghouse Broadcasting, through its policies and practices, has practiced sex discrimination against job applicants. Any further answer is best obtainable from my attorney.

74. With reference to Paragraph V B of the Complaint, in which specific ways has "the Defendant. . . maintained a pattern and practice in hiring resulting in Plaintiff and other members of the same class having been denied consideration for jobs. . . ."?

ANSWER: Westinghouse Broadcasting refused to train, interview and consider in the normal channels women who are qualified for certain jobs, particularly higher salaried jobs e.g., there are no

Interrogatories to Plaintiff and Answers

women as "disc jockeys", "anchor news people" or as "sole talk show persons" to my knowledge on Westinghouse radio stations.

75. With regard to the last question, are you aware of any specific instances where unlawful practices of the Defendant have resulted in such denials?

ANSWER: See answer to question 46.

76. If the answer to the last question is in the affirmative, list for each such instance the name and address of the member of the class, the time that the unlawful act is alleged to have taken place and the specifics of the charge of unlawful employment practice.

ANSWER: See answer to question 47.

77. With reference to Paragraph V B of the Complaint, in what specific ways has "the Defendant. . .maintained a pattern and practice in hiring resulting in Plaintiff and other members of the same class having been. . .refused opportunities for jobs. . .?"

Interrogatories to Plaintiff and Answers

ANSWER: See answer to question 74.

78. With regard to the last question, are you aware of any special instances where unlawful practices of the Defendant have resulted in such refusals?

ANSWER: See answer to question 46.

79. If the answer to the last question is in the affirmative, list for each such instance the name and address of the member of the class, the time that the unlawful act is alleged to have taken place and the specifics of the charge of unlawful employment practices.

ANSWER: See answer to question 47.

80. With reference to Paragraph V B of the Complaint, in what specific ways has "the Defendant. . .maintained a pattern and practice in hiring resulting in Plaintiff and other members of the same class having been. . .denied opportunities for promotions for jobs. . .?"

Interrogatories to Plaintiff and Answers

ANSWER: See answer to question
74.

81. With regard to the last question, are you aware of any specific instances where unlawful practices of the Defendant have resulted in such denials?

ANSWER: See answer to question
46.

82. If the answer to the last question is in the affirmative, list for each such instance the name and address of the member of the class, the time that the unlawful act is alleged to have taken place and the specifics of the charge of unlawful employment practices.

ANSWER: See answer to question
47.

83. With reference to Paragraph V B of the Complaint, in what specific ways has "the defendant. . . maintained a pattern and practice in hiring resulting in Plaintiff and other members of the same class. . . not being provided equal opportunities?"

ANSWER: See answer to question
45.

Interrogatories to Plaintiff and Answers

84. With regard to the last question, are you aware of any specific instances where unlawful practices of the Defendant have resulted in such denials or refusals of equal opportunities?

ANSWER: See answer to question
46.

85. If the answer to the last question is in the affirmative, list for each such instance the name and address of the member of the class, the time that the unlawful act is alleged to have taken place and the specifics of the charge of unlawful employment practices.

ANSWER: See answer to question
47.

86. What are the specific facts which form the basis for your assertions in Paragraph V A(4) that Defendant has a reputation in the community for denying equal employment opportunity to females and in Paragraph V B(3) of the Complaint that "the defendant has maintained a posture of denying equal opportunity to women which is well known in the community, thus discouraging women from seeking employment?"

Interrogatories to Plaintiff and Answers

ANSWER: See answer to question 63.

87. What the [sic] the specific facts which form the basis for your assertion in Paragraph V D(3) of the Complaint that "all aspects of the employment practices of the defendant are permeated with sex discrimination. . .?"

ANSWER: See answer to question 45.

88. With reference to Paragraph II of the Complaint, in what specific ways do you maintain that the Defendant has discriminated against you and other members of the class with respect to hiring and job classifications?

ANSWER: See answer to question 45. Additionally, Westinghouse Broadcasting refused to consider me for the job for which I applied.

89. With regard to the last question, are you aware of any specific cases of such discrimination?

ANSWER: See answer to question 46.

90. If the answer to the last question is in the affirmative, list the

Interrogatories to Plaintiff and Answers

name and address of any person so discriminated against, the time that the discrimination is supposed to have taken place and the specifics of each case of such discrimination.

ANSWER: See Answer to question 47.

91. With reference to Paragraph II of the Complaint, in what specific ways do you maintain that the Defendant has discriminated against you and other members of the class with respect to compensation terms?

ANSWER: Because Westinghouse Broadcasting Co. has refused to consider women for jobs in the broadcasting staff and management, there is discrimination in compensation. See answer to question 74.

92. With regard to the last question, are you aware of any specific cases of such discrimination?

ANSWER: See answer to question 46.

93. If the answer to the last question is in the affirmative, list the name and address of any person so

Interrogatories to Plaintiff and Answers

discriminated against, the time that the discrimination is supposed to have taken place and the specifics of each case of such discrimination.

ANSWER: See answer to question .
47.

94. With reference to Paragraph II of the Complaint, in what specific ways do you maintain that Defendant has discriminated against you and other members of the class with respect to conditions and privileges of employment?

ANSWER: Westinghouse Broadcasting failed to provide maternity benefits, an employment atmosphere free of sexism, failed to equalize the participation of men and women in broadcasting, failed to provide access of the airways to women.

95. With regard to the last question, are you aware of any specific cases of such discrimination?

ANSWER: See answer to question
46.

96. If the answer to the last question is in the affirmative, list the name and address of any person so discriminated against, the time that the

Interrogatories to Plaintiff and Answers

discrimination is supposed to have taken place and the specifics of each case of such discrimination.

ANSWER: See answer to question
47.

97. With reference to Paragraph II of the Complaint, in what specific ways do you maintain that Defendant has limited and classified its employees in a manner that deprives you and other members of the class of equal status as employees because of sex?

ANSWER: See answer to question
45.

98. With regard to the last question, are you aware of any specific cases of such limitations and/or classifications?

ANSWER: See answer to question
46.

99. If your answer to the last question is in the affirmative, list the name and address of any person so limited or so classified, the time that such limitation or classification is supposed to have been made and the specifics of

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each case of such limitation and/or
classification.

ANSWER: See answer to question
47.

s/Wendell G. Freeland
Wendell G. Freeland
Attorney for Defendant

s/Robert N. Hackett
Robert N. Hackett
Attorney for Plaintiff

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Interrogatories to Plaintiff and Answers

AFFIDAVIT

Before me, the undersigned authority,
personally appeared JO ANN EVANS GARDNER,
who being duly sworn according to law,
deposes and says that the foregoing
answers are true and correct to the best
of her knowledge, information and belief.

s/Jo Ann Evans Gardner

JURAT

[Jurat omitted in printing]

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[Title omitted in printing]

NOTICE

TO: Wendell G. Freeland, Esquire
Richard F. Kronz, Esquire
409 Plaza Building
Pittsburgh, Pa. 15219

Take notice that the within Motion to Compel Discovery has been filed this date and will be considered at the discretion of the Court.

BASKIN, BOREMAN, WILNER
SACHS, GONDELMAN & CRAIG

By /s/Robert N. Hackett
Robert N. Hackett, Esquire

/s/Joan P. Feldman
Joan P. Feldman, Esquire

Attorneys for Plaintiff

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[Title omitted in printing]

MOTION TO COMPEL DISCOVERY

AND NOW comes the Plaintiff pursuant to Rule 37 of the Federal Rules of Civil Procedure, as amended, and requests this Honorable Court to compel discovery against the Defendant. In support thereof Plaintiff sets forth the following:

1. This is a suit in equity authorized and instituted pursuant to Title VII of the Act of Congress known as "The Civil Rights Act of 1964", 42 USC §2000(e) et seq.

2. On July 9, 1975, Plaintiff served Interrogatories on the Defendant. A copy of said Interrogatories is attached hereto as Exhibit "A" and incorporated herein.

3. On August 26, 1975, Defendant submitted its Answers to Plaintiff's Interrogatories, in which it refused to make any responses concerning radio stations other than Station KDKA in Pittsburgh. Defendant refused to make a

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complete response to questions 3, 4, 5, 6, 7 and 8.

4. Defendant refused to answer the aforesaid Interrogatories, using the objection that the requests were not relevant and were burdensome. This a nationwide class action, sanctioned by case law, and in order to determine whether such a class exists, statistics as to the employment practices in the other stations operated by Westinghouse Broadcasting are both necessary and relevant.

5. Plaintiff believes that all the aforesaid Interrogatories are properly within the scope of discovery under the Federal Rules of Civil Procedure.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter an Order compelling the Defendant to answer the said Interrogatories and supply statistics on the employment of females in the other stations operated by it, and further to award the

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Plaintiff's counsel costs and attorney's fees for the taking of this Motion.

BASKIN, BOREMAN, WILNER
SACHS, GONDELMAN & CRAIG

By /s/Robert N. Hackett
Robert N. Hackett, Esquire

/s/Joan P. Feldman
Joan P. Feldman, Esquire

Attorneys for Plaintiff

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[Title omitted in printing]

MOTION TO COMPEL DISCOVERY CERTIFICATE

Counsel for the Plaintiff hereby certifies in accordance with Local Rule 4a(2) that he has conferred and consulted with respect to Defendant's opposition to Plaintiff's Interrogatories. The conference took place on October 30, 1975.

s/Robert N. Hackett
Robert N. Hackett, Esquire

s/Joan P. Feldman
Joan P. Feldman, Esquire

Attorneys for Plaintiff

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(Exhibit "A")

[Title omitted in printing]

INTERROGATORIES TO DEFENDANT WESTINGHOUSE
BROADCASTING COMPANY IN ORDER TO DETERMINE
A CLASS ACTION

AND NOW COMES the representative plaintiff pursuant to the Federal Rules of Civil Procedure, Rule 33, and submits her first interrogatories to be answered by defendant, Westinghouse Broadcasting Company.

I. Introduction

A. In these interrogatories:

1. The word "person(s)" means all entities and without limiting the generality of the foregoing includes natural persons, joint owners, associations, companies, partnerships, joint ventures, corporations, trusts, and estates.

2. The word "document(s)" means all written, printed, recorded or graphic matter, photographic matter of [sic] sound reproductions, however produced or reproduced, pertaining in

EXHIBIT "A"

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(Exhibit "A")

any manner to the subject matter indicated;

3. The words "identify", "identity", and "identification", when used with respect to a person or persons, means to state the full name anxpresent [sic] or last known residence and business address of such person or persons, and, if a natural person, his present or last known job title, and the name and address of his present or last known employer;

4. The words "identify", Identity", and "identification", when used with respect to a document or documents, means to describe the document or documents by date, subject matter, name(s) or person(s) that wrote, signed, initialed, dictated or otherwise participated in the creation of same, the name(s) of the addressee or addressees (if any) and the name(s) and address(es) of each person or persons who have possession, custody, or control of said document or documents. If any such document was, but is no longer, in your possession, custody or control, or in

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existence, state the date and manner of its disposition;

5. The words "You" and "Your" means the defendant broadcasting institution or corporation including all its radio stations answering these interrogatories, its merged or acquired predecessor, its present and former officers, agents and all other persons acting or purporting to act on behalf of it or its various stations or predecessors, including all past or present employees exercising discretion, making policy and making decisions with respect to any corporate policy concerning any persons.

B. If the space provided after each Interrogatory for your Answer is not sufficient, use additional sheets, numbered, for example, in the case of Interrogatory No. 1, 1-A, 1-B, 1-C, etc., after each such Interrogatory, and insert same in proper order in all copies filed and served.

C. Each of the following Interrogatories is intended to be a continuing Interrogatory and plaintiffs hereby demand that in the event at any

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later date the defendants obtain any additional facts, or form any conclusions, opinions or contentions different from those set forth in their answers to such Interrogatories such Defendants shall amend their answers to such Interrogatories promptly, and sufficiently in advance of any trial, to fully set forth such differences.

D. Time Period.

All information requested is for the period from January 1, 1970 to date, by year unless otherwise specifically indicated. Each change within that period is to be given, with the date of such change.

1. State your Corporate name and proper corporate headquarters and the proper address of the corporate offices in Pittsburgh if different than the corporate headquarters.

ANSWER:

2. State the names of the various radio stations operated by you, the legal names and addresses of the

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radio stations and the call letters of each radio station.

ANSWER:

3. State the organization of each radio station including the departments such as programing, personnel, accounting (billing), sales, advertising, executive, public service, payroll, producer-directors, engineering, etc., and any other departments which each radio station may have. Include under programing or other appropriate categories the organization of "on the air" persons including talk show hosts, news broadcasters, sports broadcasters, disc jockies, etc.

ANSWER:

4. State the number of female employees employed in the various departments of each radio station and identify the position and identify each female employee in the categories listed in question 3.

ANSWER:

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(Exhibit "A")

5. If there are additional females employed by you not listed under question 4, identify each one and state the job or position held.

ANSWER:

6. State the number of female job applicants from January 1, 1970 until the present and identify each job applicant.

ANSWER:

7. State the number of female employees from the job applicants listed above that were hired by you and the category or classification into which each female was placed upon employment.

ANSWER:

8. State the number of female employees who were discharged by

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(Exhibit "A")

you from January 1, 1970 until the present time.

ANSWER:

BASKIN, BOREMAN, WILNER
SACHS, GONDELMAN & CRAIG

By s/Robert N. Hackett
Robert N. Hackett, Esquire
Attorney for Plaintiff

CERTIFICATE OF SERVICE
[Certificate of Service
omitted in printing]

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[Certificate of Service
omitted in printing]

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(Proposed Order of Court)

[Title omitted in printing]

ORDER OF COURT

Upon hearing argument by counsel on Plaintiff's Motion that the Defendant be required to answer certain Interrogatories

IT IS ORDERED that the Defendant shall, on or before _____ 1975, serve its Answers to the Interrogatories, as enumerated in Plaintiff's Motion on file in this cause.

Dated: _____

J.

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[Title omitted in printing]

TRANSCRIPT OF PROCEEDINGS

of Oral Argument held October 30, 1975, 3:00 o'clock p.m., United States District Court, Pittsburgh, Pennsylvania, before the Honorable Barron P. McCune, District Judge.

APPEARANCES:

On behalf of the Plaintiff:

Robert N. Hackett, Esquire

Joan P. Feldman, Attorney at Law

On behalf of the Defendant:

Wendell G. Freeland, Esquire

Margaret K. Mimless
Official Reporter.

(2)

THE COURT: Ladies and gentlemen, this is the time set for oral argument on the motion of the plaintiff to certify this litigation as a class action. We are ready to hear counsel for the plaintiff. Mr. Hackett.

MR. HACKETT: If the court please, I am going to give a brief argument on the posture of the case and Ms. Feldman will then argue on our brief which she has prepared.

We have filed this action as a class action under Rule 22 (b)(2). I think it is important in reading Rule 23 that it is noted that this is a civil rights case, because recent cases have been rather constrictive as to a (b)(3) case under Rule 23, that is, a case that is just looking for money damages.

However, all of the courts in the various circuits have been very liberal and very broad in urging a broad outlook and sweeping policy for civil rights class actions.

This has been most notable in the Third Circuit in the Wetzel case,

Wetzel vs Liberty Mutual, which Joan Feldman will discuss.

The posture of this case procedurally before this court is that in accordance with Rule 34, we filed a motion for this court to determine and certify this action as a class action.

The defendant chose not to respond to the motion by an answer, and the defendant did not file a brief.

(3)

Therefore, procedurally our first observation would be that the defendant should be deemed to have not opposed this motion.

We, in accordance with good federal practice, and I think as Professor Moore urges and Judge Silvestri in his article on class actions in Pennsylvania, are justified in filing interrogatories in order to determine if this was a class action. That is, the burden is on the plaintiff to show that it is a class action, and, of course, you must show numerosity and various other requirements of Rule 23 (a) in order to have it be a class action.

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We asked for it to be a nationwide class action, nationwide only in the sense that it would cover all the radio stations owned by Westinghouse Broadcasting Company.

When we filed interrogatories, the defendant chose to only answer those questions concerning KDKA, that is, the local broadcasting station of Westinghouse Broadcasting Company.

We have prepared today and have served on the defendant a motion to compel answers to the questions concerning a class action as to the other five broadcasting stations, because unless those interrogatories are answered, we cannot say, as we can in KDKA, that there were 230 applicants. We can not say that there were 200 or 150 employees in these other stations. Therefore, we would urge

(4)

that in order to determine the existence of a class in the other areas, as far as the five other radio stations or six, I can't remember which, that the defendant be compelled to answer these interrogatories.

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Therefore, the plaintiff has carried out its procedural requirements to the utmost. It filed promptly a motion to determine the class action.

The defendant did not answer the motion. The defendant did not file a brief in opposition to the granting of a class action, and the defendant chose not to answer the interrogatories which would really show, in fact, whether there is a nationwide class.

Now, I'm going to turn our legal argument on the cases over to Ms. Feldman and she will spend a few minutes with the legal cases, your Honor. Thank you.

MS. FELDMAN: Before I begin, your Honor, I would like to hand up to you a copy of the supplemental brief which we have prepared and an additional copy for your law clerk.

THE COURT: I think I already have that.

MS. FELDMAN: This is the second one, your Honor.

THE COURT: Second Supplemental?

MS. FELDMAN: Yes.

THE COURT: All right.

(5)

MS. FELDMAN: We are here today to demonstrate that according to the case law which has been developing since the passage of Title VII, we have manifestly met all of the requirements of Rule 23 in order to certify this as a class action as to the seven radio stations which are operated by defendant, Westinghouse Broadcasting Company.

The most important thing to remember at the outset is that it was perhaps envisioned by the drafters of Rule 23 that Rule 23 would be a vehicle particularly applicable to civil rights cases, and, indeed, this is also very clearly seen in the notes of the drafters to Rule 23 (b)(2). The policy of congress was clearly to eliminate all existing unlawful discriminatory practices, and in order to do so, in order best to do so, without a mutiplicity of suits, it was deemed and has been deemed by courts ever since the earliest cases involving this particular aspect of civil rights that one individual could challenge in an across the board action all of an

employer's unlawful practices, thus avoiding the possibility that many suits would have to be brought by the employees and applicants and discharged persons of the same employer.

To get into the particular elements of Rule 23, first of all, as you know, your Honor, we must first demonstrate that there are so many members of this potential class that joinder would be impracticable.

(6)

Interrogatories which we have served upon the defendant, we have been able to ascertain that as to radio station KDKA alone, there are 24 present female employees, 321 female applicants in 1975, of whom 28 were hired and six persons who have been discharged.

KDKA has informed us that they only keep records for three months, so this is only a small portion of the persons who would be able to be potential class members.

THE COURT: Let me interrupt a moment.

MS. FELDMAN: Excuse me.

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THE COURT: How many employees total does KDKA have?

MS. FELDMAN: Your Honor, we are unaware at the moment of how many they have exactly, male and female.

THE COURT: I thought the interrogatories answered that with respect to KDKA, because they listed each department and listed the number of employees.

MS. FELDMAN: Oh, your Honor, I see what you mean.

THE COURT: I haven't counted them up, but I think I could if given enough time, so how many did they say in their interrogatories they had in sum total?

MS. FELDMAN: Your Honor, we have not done the addition ourselves. I'm sorry. So I could not give you exactly.

(7)

THE COURT: Well, now, you say they have 24 female employees.

MS. FELDMAN: Yes.

THE COURT: That's quite a few.

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MS. FELDMAN: That's correct.

THE COURT: So on the face of it, it doesn't appear that there is a facially obvious discrimination, does it, if you haven't added up the total?

MS. FELDMAN: Your Honor, there are two answers to that.

First of all, since this is merely a motion -- not merely a motion, but since this is a motion to certify the class, the merits of the case which will go to the establishment of the prima facie case of discrimination are not to be considered at this point by your Honor.

We are merely demonstrating the fact that there are potential members of a class so numerous that joinder is impracticable.

However, as to whether or not discrimination in fact occurs, this will be determined at a later point when we present the prima facie substantive issues that are present in this proceeding.

The second thing is that even if we were to look at that, the fact

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that we have not added them up, as we have said, but viewing the fact that there are some women in

(8)

some jobs certainly does not indicate that there is no discrimination practiced by KDKA.

For example, we have noticed that there are very few, if, indeed, any, at this point on-the-air employees who are regularly broadcasting, persons in effect who stand in the same shoes as the plaintiff, Jo Ann Evans Gardner, would have, had she been hired.

To continue, so we have over, well over 300 potential members of a class as to this particular radio station alone.

As we mentioned, there are six other cities involved, and the defendants have not given us any statistics as to those six other cities. Therefore, we have in excess of 323, indeed, it could approach a thousand persons in all who would be potential members of this class, in addition to which we have also alleged a class of persons who have

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been -- will be adversely affected by the practices that we allege on the part of Westinghouse Broadcasting Company. That number is unknown.

There is a great number of potential women who would want to enter the broadcasting industry, but because of the practices of this defendant, have been deterred from doing so.

To continue to Section (a)(2) of the rule, we must also demonstrate that there are questions of law and fact

(9)

common to the class.

Now, Judge Mack, in the eastern district of this Circuit, has held that in a class action of this nature which challenges all of the employment practices of a particular defendant, quote, there is no doubt that the class action proposed by plaintiffs satisfied the requirements of the rule.

The resolution of this question, as we see it, depends on whether the discriminations alleged in the complaint are regarded as individual discriminations against proposed members of the class or

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as manifestations of a broad, sweeping and all-pervasive policy of an embedded and total racial employment discrimination.

It is true, of course, that since employees are human, they are subject to human variances as to skill, industry and aptitude. It is also true that there are differences as to seniority and job requirements. However, we think that a narrow construction of Title VII would unduly restrict, if not frustrate, the congressional purpose reflected in the passage of this legislation.

Certainly, it would be cumbersome, if not totally unworkable, to require each negro employee at G. E., or each negro refused employment at G. E., to seek redress for alleged grievances individually.

THE COURT: Wasn't that Judge Lord's case?

(10)

MS. FELDMAN: Yes.

THE COURT: You said Judge Mack.

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MS. FELDMAN: Excuse me. I meant Judge Lord and this is the case of Mack vs General Electric, which is cited in our brief at page five. Excuse me, your Honor.

THE COURT: But isn't that a little different situation? Let me try to articulate what's in my mind. That was a case where black employees were employed throughout General Electric's plant in all ordinary hourly jobs.

Is there any distinction where a broadcasting company has to find talented people for particular shows that go on the air, for example, not everyone has the talents of, for example, Eleanor Schano, who I think is a KDKA newscaster. I am not sure of that, but I watch the news broadcasts at night, and I guess I can take judicial notice of the fact that she is Eleanor Schano.

MR. FREELAND: Very attractive.

THE COURT: And isn't there some distinction between a factory that manufactures electronics products or toasters or refrigerators of [sic]

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dishwashers and a company that entertains the public at night and during the day on the ubiquitous tube that we all see from time to time.

MS. FELDMAN: Your Honor, I do not believe there is, because, as it has been mentioned before, Title VII embodies a broad congressional purpose to eliminate

(11)

discrimination in all aspects of employment, and we have seen numerous cases, for example, particularly as we know in this particular -- in the western district of Pennsylvania, universities involving professional persons, professional women who sought employment as university professors or who were discharged, all of whom basically would not come in unless they had certain qualifications and characteristics, who must demonstrate an ability to fulfill a certain position.

However, there are certain policies that universities maintain, which discourage women from applying -- which discourage women from applying for

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promotion and which in fact bar women from promotion even though their individual characteristics and individual histories in terms of education are very important.

THE COURT: Now, as far as I know, and I may be behind in my reading, but as far as I know, there has not been a class action certified in this district involving university professors. Is that true or not?

There is one under consideration, but I don't think it has ever been certified.

MS. FELDMAN: No, it has not been certified as a class as yet, your Honor, but the fact remains that in various different types of Title VII cases and analogous cases under Section 1983 have been brought as class actions, and while I am unable to articulate one specifically and give

(12)

you a case citation at the moment, there are cases that have been certified involving persons who are not factory

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workers, for example, people that we view as the mass, for example.

THE COURT: All right. Go ahead with your argument.

MS. FELDMAN: Therefore, viewing the kind of case that we have, this type of broad based attack against all of defendant's policies, it is obvious that there are common questions of law and fact which will be very easily brought up as far as all of the women that we have alleged as being potential class members here. All of them have suffered from the same policies of the defendant, that is, sex discrimination, and, undoubtedly, in terms of the type of discrimination that each have suffered, some will have suffered discrimination of the same sort, in the same factual circumstances as our particular plaintiff, who unsuccessfully applied for employment with the defendant, and there will be those who will have also suffered sex discrimination in which the factual situations may be slightly different, but still similar enough to fit within the broad based

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attack against all of the discriminatory practices of the defendant, which has been upheld by the various cases, among them, as I have said before, being Mack vs General Electric in the eastern district.

THE COURT: Is there any reason that this

(13)

should make a difference? I noticed in the interrogatories and the answers to them that some of these women had applied for jobs as stenographers, secretaries. Some of them said they would take any job. Some of them applied for jobs in sales, but the particular plaintiff here applied for a job as a so-called hostess on a talk show.

Why should we concern ourselves with stenographers and secretaries whom we know are frequently females when we are really concerned with the glamorous jobs?

MS. FELDMAN: Your Honor, first of all, as I have said, this is a broad based attack against all of the employment practices of this particular

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defendant. That would encompass their activities and their prohibitions and promotional policies with respect to women in all aspects of employment, but isn't it true that the type of problem that women most often face is that they have no choice but to be hired in certain areas and certain areas alone.

For example, isn't it conceivable that our plaintiff, Dr. Gardner, would only have been considered for what we might think of as a traditional female type job, but not for a job as talk show host, which they obviously view as a male type job. Otherwise, they would not have refused to consider her for the position. They would not have advertised specifically for a male talk show host.

In effect, women may have very easily been

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shoe-horned into certain positions by the defendant solely because the defendant has viewed certain jobs as, quote, female jobs, and certain jobs as male jobs, and once women get employed by the defendant in one of these, we could call it, more female areas, and

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sought promotion to an official or a managerial position, or even a job as an on-the-air member of their broadcasting personnel, has been blocked because the defendant refuses to consider women for certain positions, which is basically the most important aspect of discrimination which we are alleging against this particular defendant. They are in effect stereotyping women and putting them into certain positions and not considering them for others, so women in all areas are being in effect stifled, and in addition to that, because of this policy, because of the fact that Westinghouse does not put women on the air, women everywhere who might consider broadcasting careers are being deterred because they do not hear female voices on the stations operated by the defendant.

So there are women in all kinds of jobs that have been stifled in one way or another. Perhaps some of the stenographers there came to defendant in the first place because they really wanted to be involved in the managerial aspects of a radio station or because

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they really wanted to be on the air, but this was the kind of job they were offered and that was it as far as the station was concerned.

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To continue, perhaps the most obvious threshold problem which your Honor may have recognized as presented by this particular case is the fact that the named plaintiff, Dr. Gardner, was a rejected applicant, but, as we have mentioned many times before, she seeks to represent all employees, past and present, conceivable future employees and also those who have been discharged and those also who have been rejected, who have applied, and persons who have been deterred from applying because of the policies of this particular defendant.

As a result the question arises as to whether or not the requirements of Rule 23 (a)(3) [sic] that there be adequate representation by the named plaintiff have been satisfied. The first prong of this rule, as has been identified by the Third Circuit in the recent case of Wetzel vs Liberty Mutual

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Insurance Company, which Mr. Hackett has already mentioned, is that the plaintiff's attorney should be able to diligently prosecute this action.

Mr. Hackett has been involved in several discrimination actions in this district and has been eminently successful, and we would say, certainly, that the first prong of the Wetzel test has been satisfied.

As to the second test, we must demonstrate under Rule 23 (a)(3) [sic] that the interests of our plaintiff are not antagonistic to the interests of the other potential class

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members.

Wetzel specifically held that employees who voluntarily left the employment of Liberty Mutual Insurance Company could still represent a class of present, future and past employees, it appearing to the court that the named plaintiffs had the same interest, although they were former and voluntarily quitting employees. These women had the same interest in combating Liberty Mutual's

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discriminatory policies as the present female employees.

The interests, therefore, of the former employees were not antagonistic to those of the present employees.

In this case, then, we see the same situation. The interests of Dr. Gardner in assuring that there be open employment opportunities for women are similar to the interests of past and present employees; that there be such open employment practices by the defendant.

Her interests are not antagonistic to those of the class.

Additionally, there have been other cases including circuit court cases, most notably in the Fifth Circuit, that have found that an applicant is an adequate representative of all who allege a broad across the board attack against the defendant's employment policies.

For example, Carr vs. Conoco Plastics, which is

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cited in our brief at page ten, involved an applicant who sought to challenge practices that only occurred in the plant. The defendant

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objected on the grounds that the plaintiff could not represent persons in the plant that she had no knowledge of, and policies in the plant that she never suffered herself.

The court stated that after the EEOC had been involved as an amicus in that particular case, the commission's brief and argument relate solely to the question of whether in a suit brought pursuant to the act by persons claiming that an employer has violated the act by refusing to hire them because of their race may also allege and seek to enjoin other unlawful employment practices committed by the same employer, if those practices, although not directly injurious to them at the time of their application for employment, potentially affect them because of their race. The court holds that they can.

It is foolhardy to say that once plaintiffs have removed racial discriminatory policies at the door, they are required to start anew in order to remove those that exist on the inside. Such a practice would result in a

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multiplicity of suits and a waste of time and money for all interested parties.

So, again, it is amply demonstrated in the sense that Rule 23 was formulated in order to prevent a multiplicity of suits. It is obvious that this plaintiff, who challenges all of the policies of the defendant, can

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represent those who have experienced policies and practices different than she has experienced herself.

This, as I said, is an across the board attack and, therefore, she can represent those who have suffered different discriminatory policies of the defendant, and this position has also been taken, besides the court in Carr, in two recent cases, which are part of the brief that we have handed up to your Honor, one being Lewis vs J. P. Stevens & Co., a district court case, and the other being Barnett vs W. T. Grant, a circuit court case in the south. All have again said that an across the board attack enables an applicant to

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represent present and future and discharged employees.

Finally, having seen that the requirements of sub-Section (a), Rule 23, have been satisfied, we go to the question of whether or not this action is properly maintainable under Rule 23 (b)(2), under which we have brought it, and as to this question, the recent Third Circuit opinion in Wetzel vs Liberty Mutual Insurance Company is determinative. Wetzel held that a sex discrimination case which envisions at the outset primarily injunctive relief, as this one does, we hope to establish affirmative action policies on the part of this defendant, and incidental claims for monetary damages is properly a case under Rule 23 (b)(2) and notice need not be made at this point.

Therefore, since the Third Circuit holds that

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this is a 23 (b)(2) class action under Wetzel, this case at bar is properly maintainable under that aspect of the rule.

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Finally, we are claiming that this is a systemwide or nationwide class action. As we mentioned before, the defendant operates the radio stations in seven cities, in Boston, in New York City, in Philadelphia, in Pittsburgh, Fort Wayne, Indiana, Chicago, Illinois and Los Angeles, California, and we claim that there is a common policy and practice of discrimination which prevades all of these radio stations.

There are cases which have certified nationwide classes, not even merely systemwide classes. One which we have recently cited to you is Wetzel, which was a nationwide class, and following Wetzel, it is interesting to note the recent case of Polston vs Metropolitan Life Insurance Company, which has had a varied history in a lower court, but the two most recent opinions are cited in our supplemental brief which we have just handed to your Honor.

The Polston case originally established subclasses as to seven states only for monetary damages, although

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it allowed a nationwide class as to injunctive relief, but after the Wetzel case, the court reversed itself in effect and determined that that was a Rule 23 (b) class action which could be maintained as to damages and as to injunctive relief on the part of employees and class members that were involved

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in every office maintained by the defendant in the United States.

And this case, as I said, is similar. Should there be manageability problems which we do not envision, since we are only dealing with seven cities and not the nation, but should there be [sic] manageability problems, subclasses can be formulated, as has been approved by the case of Johnson vs. Georgia Highway Express, Incorporated. Therefore, as we have demonstrated, the case law shows that we have met the requirements of Rule 23 (a)(1) through (4) and Rule 23 (b)(2), so that this class should be certified as a class action as to the seven radio stations operated by the defendant in the United States.

Thank you, your Honor.

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THE COURT: Thank you.

MR. HACKETT: Your Honor, before the defendant appears, I would like to state that the interrogatories propounded to the defendant were very carefully entitled "Interrogatories to Determine a Class Action", and in our request for the employees, we were very careful to direct it only at the 23 (a) parts of the class action. For instance, we said, "State the number of female employees." We were not trying to show a substantive prima facie discrimination case based on statistics, but rather to show that there existed the requisite number of female employees or applicants to meet

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the numerosity requirements of a class action.

In fact, I think it is improper procedure to go into substantive discovery in a class action case before it has been determined whether or not it is a class action, and we tried to follow that rule. Thank you.

THE COURT: All right.
Thank you. Mr. Freeland.

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MR. FREELAND: May it please the court, I will introduce two of my colleagues who are not going to participate in the argument, though they argue with me from time to time. Mr. Kronz is with the beard and Mr. Webb is without the beard.

I believe that some recitation of relevant facts is necessary in this case for the court to get the flavor of the matter that is before it.

Dr. Gardner, Jo Ann Evans Gardner, as revealed in the answers to the interrogatories and the plaintiff's brief, is a prominent woman who has been a professor of psychology. She read, not an advertisement in the newspapers, but in Win Fanning's on-the-air column, a word or two about who was going to replace Ed and Wendy King, since Ed King had died. Wendy King was a woman and is a woman, and filled a nine to twelve spot when they didn't have night-time baseball.

Dr. Gardner thereupon called Mr. Peterson at the station, the radio station, went down and said, "I would

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like to be a talk show person." After some discussion, she left. She was not hired. It was the position at all times that she was

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not qualified.

In her answers to interrogatories propounded by the defendant, she has set forth that this is the only time in her life when she has sought employment in the broadcasting industry with this station or any other station.

It so happens KDKA is the oldest station in the country and maybe it is best to begin at the top.

Thereafter Dr. Gardner filed a complaint before the Equal Employment Opportunity Commission. That complaint is appended to the complaint in this case, and it becomes somewhat important, I believe, in aiding the court in the disposition of the motion to certify the class. Her complaint was against KDKA Radio.

The investigation related to KDKA Radio. The finding of non

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discrimination by the EEOC related to KDKA Radio.

One of the problems that we have in class actions under Title VII is that before we get to the point of certifying a class, we must be mindful of the scope of charge provision of Title VII, and it may be indeed true with an unsophisticated and unprominent person that one should not be punished for filing something with the EEOC which is not a lawyer-like -- a review of the charge of discrimination as signed by Dr. Gardner will indicate that it is learned and lawyer-like or even psychologist-like or professorial.

I suppose I did not file a brief in this case,

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your Honor, because whenever I am afforded the opportunity not to do so, I choose not to do so, and, secondly, because, I suppose, I believe with Mr. Justice Black, who dissented from the 1966 amendments to Rule 23. His dissent is recorded at 383 U. S. 1035.

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I particularly think that every member of the court should examine with great care the amendments relating to class suits. It seems to me the Justice said that they place too much power in the hands of the trial judges and that the rules might almost as well simply provide that, quote, class suits can be maintained either for or against particular groups whenever, in the discretion of the judge, he thinks it is wise, end quote, and I recite this because precedential value of the cases cited by the plaintiff in this case or cases that could have been cited by me is limited, and Wetzel, with former employees who had specifically been told about certain things, is unlike the matter of someone reading in a news column about a vacancy and going down and saying, "I want that job because I have a natural talent for it."

I suppose I never realized what qualifications were involved for a talk show person until I almost demanded why couldn't I be one. I am articulate. I know about baseball and basketball and

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law and a few other things, and I am certain that I could interact with people on the telephone, and perhaps I could be a talk show person at some stations, I was

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told, but not here.

A second general consideration in addition to the, I suppose, warning that some cases do not have such great precedential value, I point out, for instance, the Johnson case upon which my colleagues rely so much. When that case was remanded to the district court in Atlanta, it was not a systemwide disposition, but a disposition only as to the Atlanta plant, and, as a matter of fact, the judge in that circuit, the Fifth, who concurred, I think it was Judge Goldbold, [sic] but I am not really sure, has later written an opinion which makes more explicit the Fifth Circuit's attitude toward across the board cases.

I find, for instance, in my research, and I am sure my colleagues have, that Judge Mehrige, in two different cases, in one case said, "I will

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certify across the board," and in another case involving schoolteachers throughout the Commonwealth of Virginia, chose not to certify as a class because there were many factors and facts which were relevant to his determination, and some of those factors are relevant here.

For instance, and I really get to the Title VII scope of the charge proposition, KDKA radio, and the exhaustion of the remedies available under the Act, because the doors of this court are not open to everyone who claims sex discrimination or race discrimination --

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The doors of the court are open only to those who follow the administrative procedures set forth by the Congress, and when that administrative procedure has been begun, it is expected by the Congress, it is expected by the courts that there will have been an exhaustion of such remedies before one gets to the court.

There is not in this case because Dr. Gardner said KDKA Radio

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only, nothing about WBZ, in fact, nothing about television station KDKA and nothing about any of the other stations, and, therefore, there has not been the opportunity for the administrative agency with the expertness as required by the Congress and with the obligation as required by the Congress to get into the act.

Rather, Dr. Gardner brings the claim against everybody in the act for the first time in this particular lawsuit.

The numerosity aspect of Rule 23 is not one which I will belabor, because I have two -- there is basically two alternatives. If this court were to certify an across the board matter, which in the first instance requires saying we will bring in the other six radio stations, as to whom no investigation has been held as of this date, and then if we submit to this court all of the records of all of the people, the class will clearly be so numerous, because indeed, we are not restricted just to those seven radio stations,

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because the theory of the plaintiff is, as I read its brief, that anybody who has ever wanted to work in radio is a potential member of this class.

I suppose I can remember Ted Husing years and years ago, and I certainly wanted to be like Ted Husing. I didn't go to broadcasting school, and I didn't get hired, but that's how big the class would be, if, in fact, the court ruled that six other stations should be involved, or that Dr. Gardner is representative of all persons who ever wanted to go into the performing side of radio.

I think that my colleague and the court have both pointed out that on the air is more glamorous, if that is not a sexist word, than working in the office. It is not only more glamorous, it is also more remunerative, and it is much more remunerative at a large and an old station than it is at a small and new station.

The other aspects of Rule 23, other than the numerosity factor, and

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all of the literature in 23, so overlap that it is very difficult to examine them as microscopically as Mr. Hackett has done in his brief, but let us assume that there has been a class of persons who have been discriminated against by KDKA Radio because of sex. Do the issues of law and fact which are common to the discrimination against the stenographer or against the person who thought he wanted or she wanted to go into radio, do these issues

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predominate with Dr. Gardner's issue?

THE COURT: That's what I was exploring a little bit with your learned opponent here. It seems to me that if a woman applied for a job with MGM as a movie actor destined to take the lead in a new cowboy-indian picture, and they turned her down, her claims would not be similar to a stenographer who applied to MGM to work in the office and who was turned down, because while it is nebulous and hard to articulate, this really concerns whether talented persons have been discriminated against,

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vis-a-vis ordinary people like you and me.

Is that a distinction or is that purely a --

MR. FREELAND: I think it is really at the nub of it, and I have talked to some people about discrimination cases. I love to play basketball, but I am five feet six. Now, if I went to The Boston Celtics, which is my favorite team, and said, "I want to play basketball because I really have a natural talent," and I am not hired, and there was a time, you know, when they only had maximum five black guys on the team, but if I went there at five feet six, was that the reason I wasn't hired, or was it because of racial discrimination? And, in fact, there may have been racial discrimination in the basketball system at that time, but was that the reason that a five foot six -- and, really, I am five feet five and three quarters, your Honor -- was that the

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reason that I was not hired? And I can want to and think to and believe it all,

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but I just am not as good as Bill Russell, and I am not as good as John Havlichak, and I think this is the nub of it.

This is not like some of the cases that Judge Johnson, for instance, disposed of by dissent [sic] decree in Alabama. It is not like the Wetzel case.

We have a unique situation.

THE COURT: All right.

MR. FREELAND: A talent as opposed to gross activity.

THE COURT: I don't want to hurry you up, and I am interested in everything you say, but I have got another group of lawyers coming in here at 4 o'clock, and I have got to give them some attention. Go ahead. Make your points.

MR. FREELAND: Well, I think in effect, I think the court -- my basic -- I have two basic positions; one, that you could read all the cases you want to, and this is not going to help you with being a talk show person to replace Ed and Wendy King at KDKA Radio.

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Now, I have no question about it in my mind that if KDKA Radio said in the newspaper, in a big ad, "We want a man to replace Ed and Wendy King," and if they put down in front of their door, "No women need apply," that there would be some merit in the plaintiff's case and the certification

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of the class, but my basic position is, one, we must deal with the scope of the charge as it relates to the members of a potential class beyond the membership of those people at KDKA Radio alone, and KDKA Radio gets a lot of applications for a small operation. You have had the figures in interrogatories and show that in 120 days, how many applications. Everybody wants to get in on the act, some as stenographers and some as performers, some as managers.

THE COURT: Well, in sum, your position is that this isn't a class action at all, but an action by Dr. Gardner to determine whether she was discriminated against because she was a

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woman or because she didn't have the qualifications to carry out the show.

MR. FREELAND: I think this is really what it is, and one final word, your Honor, since I thought I was going to be down here at 4 o'clock and not at 3, that's why I forgot about the time, but let me point out one final thing. If you read the answers to the interrogatories propounded by the defendant to the plaintiff, why did you bring this litigation, and she said to get a job, to get this particular job at KDKA, and I suggest if that's really her purpose, she is not representative of the class. The class is not going to be adequately represented because there are going to be countless members of a potential class who are going to be excluded from the job by reason of the fact that Dr. Gardner wants it and is

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asking the court to give it to her.

I will read the supplemental brief of the plaintiff, your Honor. I do not think that I will submit a

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memorandum of law, because I believe this case is much different from the cases cited, and I feel that trying to analyze and analogize each of the cases in this field really is of no aid to the court.

If the court gets the feel of the facts and the feel of the acts involved in this particular case, it seems to me it will have no trouble in refusing the motion to certify.

THE COURT: Well, you file an answer in brief if you care to. The reason that I said that I didn't require briefs is, as you might assume, I have now accumulated a great many briefs on class action. They have cited the leading cases. I make no claim that I understand all of them or that I'm very clear about what the various cases do hold, and I'll confess I haven't read all the class action cases. I don't think anybody can and do the other work that's required. But I wanted to hear the oral argument more than I wanted to read briefs, and try to analyze what the matter was about.

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If you intend to file a brief, will you do it in twenty days?

MR. FREELAND: Oh, yes, your Honor.

THE COURT: Now, we have a deadline on discovery.

MR. FREELAND: I think it is December 1.

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THE COURT: I have set discovery for the end of the year, actually, December 1st, and that might not be sufficient time to give Mr. Hackett. I recognize that he has to have a ruling on this motion of his before he knows how to proceed or how extensively to proceed.

I'm going to be gone for a period of two weeks on assignment to the Eighth Circuit, and I probably will be back here in about 15 days, and if you have a brief, I'll read it at that time, and I'll try to give you a rather -- I will try to give you a rather prompt ruling then. If you need more time, you can agree upon it.

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MR. FREELAND: I think the last order was that obviously the time for discovery would be extended until after your motion to certify.

THE COURT: Well, it has been, and if you need more time due to my slowness, I will give it to you. I must confess to you I have more piled up than I can get to, and I will be forced to be absent for two weeks.

MR. HACKETT: In closing, your Honor, I would just like to respond to Mr. Freeland by calling your attention to Rich vs Martin Marietta Corporation, which says something that I am sure is true for trial judges. It says, by the lower court, who so very limited the class, if the cases were always limited as they were in this case, it would effectively make Rule 23 a nullity. It is understandable that hardpressed

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trial courts would not consider this too unfavorable a result, but the test of validity or continued existence of the rule is not the difficulty or complexity

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of administration. So long as Rule 23 is on the books, it must be given effect.

THE COURT: I understand.

MR. HACKETT: And I think that Mr. Freeland argued the facts of the case as all people do when they don't want a class determined, and as Eisen vs Carlisle says, you cannot get into the facts of the case under Rule 23. You must determine if there is a class.

THE COURT: I have been admonished along that line many times, and I recognize the language. All right, gentlemen.

(Whereupon, at 4:12 o'clock p.m., the oral argument was concluded.)

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Transcript of Proceedings

C E R T I F I C A T E

I hereby certify that the foregoing is a full, true and correct transcript of Proceedings of Oral Argument held on October 30, 1975, in the United States District Court for the Western District of Pennsylvania, at Pittsburgh, Pennsylvania, in the matter at Civil Action No. 75-614, before the Honorable Barron P. McCune, District Judge.

s/Margaret K. Mimless
Margaret K. Mimless
Official Reporter

Pittsburgh, Pennsylvania
March 4, 1976

221a
Memorandum and Order of the District Court

UNITED STATES DISTRICT COURT,
W.D. PENNSYLVANIA.

JO ANN EVANS GARDNER

v.

WESTINGHOUSE BROADCASTING COMPANY
Civil Action No. 75-614
February 3, 1976.

MEMORANDUM AND ORDER

[Memorandum and Order of the United States District Court for the Western District of Pennsylvania appears in the Appendix to the Petition for a Writ of Certiorari at pages 34a through 40a]

222a
Notice of Appeal

[Title omitted in printing]

NOTICE OF APPEAL

NOTICE is hereby given that the
named plaintiff, Jo Ann Evans Gardner,
on her own behalf as a representative
of the class and on behalf of the
class she seeks to represent, hereby
appeals to the United States Court
of Appeals for the Third Circuit
from the Order of the Honorable
Barron P. McCune of February 3, 1976
pursuant to 28 USCA §1292(a).

BASKIN, BOREMAN, WILNER,
SACHS, GONDELMAN & CRAIG

By s/Robert N. Hackett
Robert N. Hackett

s/Joan P. Feldman
Joan P. Feldman

Attorneys for Plaintiffs

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Opinion of the Court of Appeals

UNITED STATES COURT OF APPEALS
For the Third Circuit

No. 76-1410

JO ANN EVANS GARDNER

v.

WESTINGHOUSE BROADCASTING COMPANY,

Jo Ann Evans Gardner, on
her own behalf as a repre-
sentative of the class and
on behalf of the class that
she seeks to represent,
Appellant

Appeal From the United States District
Court for the Western District
of Pennsylvania

(D.C. Civil Action 75-614)

Submitted Under Third Circuit Rule 12(6)
March 28, 1977

Before: Seitz, Chief Judge, and Aldisert
and Hunter,
Circuit Judges.

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Opinion of the Court of Appeals

OPINION OF THE COURT
(Filed June 6, 1977)

[Opinion of the United States Court of Appeals for the Third Circuit appears in the Appendix to the Petition for a Writ of Certiorari at pages 2a through 21a)

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Judgment of the Court of Appeals

UNITED STATES COURT OF APPEALS
For the Third Circuit
No. 76-1410

JO ANN EVANS GARDNER
vs.

WESTINGHOUSE BROADCASTING COMPANY,
Jo Ann Evans Gardner, on her own
behalf as a representative of the
class and on behalf of the class
that she seeks to represent,
Appellant

(D.C. Civil Action No. 75-614)

ON APPEAL FROM THE UNITED STATES
DISTRICT COURT
FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Present: SEITZ, Chief Judge and ALDISERT
and HUNTER, Circuit Judges

JUDGMENT

This cause came on to be heard on the
record from the United States District Court
for the Western District of Pennsylvania
and was submitted under Third Circuit Rule

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Judgment of the Court of Appeals

12(6) March 28, 1977.

On consideration whereof, it is now here ordered and adjudged by this Court that the motion to dismiss the appeal from the judgment of the said District Court filed February 4, 1976, be, and the same is hereby granted. Costs taxed against the appellant.

ATTEST:
s/Thomas F. Quinn
Thomas F. Quinn
Clerk

June 6, 1977

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Order and Opinion Sur Denial of Rehearing

UNITED STATES COURT OF APPEALS
For the Third Circuit

No. 76-1410

JO-ANN EVANS GARDNER

v.

WESTINGHOUSE BROADCASTING COMPANY,
Jo Ann Evans Gardner, on her
own behalf as a representative
of the class and on behalf of
the class that she seeks to
represent,

Appellant

SUR PETITION FOR REHEARING

(Order of the United States Court of Appeals for the Third Circuit denying Petition for Rehearing and Opinion Sur Denial of Petition for Rehearing appear in the Appendix to the Petition for a Writ of Certiorari at pages 22a through 33a).